

1958

## Voter Information Guide for 1958, General Election

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Proposed

# AMENDMENTS TO CONSTITUTION

## PROPOSITIONS AND PROPOSED LAWS

Together With Arguments

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To Be Submitted to the Electors  
of the State of California at the

### GENERAL ELECTION TUESDAY, NOV. 4, 1958

Compiled by RALPH N. KLEPS, Legislative Counsel  
Distributed by FRANK M. JORDAN, Secretary of State

# Part I—Arguments

**FOR THE VETERANS BOND ACT OF 1958.** This act provides for a bond issue of three hundred million dollars (\$300,000,000) to be used by the Department of Veterans Affairs in assisting California war veterans to acquire farms and homes.

**AGAINST THE VETERANS BOND ACT OF 1958.** This act provides for a bond issue of three hundred million dollars (\$300,000,000) to be used by the Department of Veterans Affairs in assisting California war veterans to acquire farms and homes.

(For Full Text of Measure, See Page 3, Part II)

## Analysis by the Legislative Counsel \*

The proposed measure, which constitutes the Veterans Bond Act of 1958, would authorize the issuance and sale of state bonds not exceeding the sum of \$300,000,000. The proceeds would be used to provide a fund for farm and home purchase aid pursuant to the Veterans' Farm and Home Purchase Act of 1943 (Sections 984-987.13, inclusive, Military and Veterans Code).

The measure would provide that the bonds are to be general obligations of the State for the payment of which the full faith and credit of the State is pledged, and it would appropriate from the General Fund the sum necessary to make payments of principal and interest on the bonds.

Money received as payments of principal and interest under contracts for the purchase or construction of farms and homes by veterans of World War I, World War II, or the Korean Campaign, under the Veterans' Farm and Home Purchase Act of 1943 is to be deposited in a special fund known as the Veterans' Farm and Home Building Fund of 1943. This measure would require the maturity dates of the bonds to be fixed so as to coincide as nearly as possible with the receipt of these payments. It would require further that, on the dates of payments of the principal and interest on the bonds, there be transferred to the General Fund from this special fund the amount necessary to make the payments of principal and interest.

The amounts of the bonds to be issued from time to time, their maturity dates, and the rate of interest they are to bear are to be determined by the Governor, State Treasurer, State Controller, Director of Finance, and Director of Veterans Affairs. The rate of interest on these bonds may not exceed 5 percent per year.

## Argument in Favor of Veterans Bond Act of 1958

During the 36 years the "Cal-Vet" Farm and Home Purchase Program has been in operation,

\* Section 1509.7 of the Elections Code requires the Legislative Counsel to prepare an impartial analysis of measures appearing on the ballot.

some 125,000 long-term loans have been made at low interest to California war veterans, without cost to the State taxpayers. This has been done through the use of almost a billion dollars of State credit. The program is entirely self-supporting, and, in fact, over the years has accumulated a reserve of several million dollars.

With the funds made available in these Veterans' Bond Issues by authority of the voters, the State Department of Veterans Affairs purchases properties selected by qualified veterans, and contracts with them for 20-year repayment. Repayment of principal and interest is made to the Department in low monthly installments.

Defaults amount to less than 1 per cent. The program was first financed by a \$10,000,000 bond issue in 1922. Thus, the tremendous majority of veterans who have been provided with this opportunity to become farm and home owners, at their own expense, have demonstrated to a remarkable degree their good faith with the State in repayment. The Department has made all bond redemption and interest payments promptly when due.

The need for continuing this program is most convincingly reflected in the great number of applications which the Department is still receiving, and in the fact that between 1,500 and 2,000 loans are being completed every month. These numbers represent a monthly investment of between \$20,000,000 and \$25,000,000 in property purchases by the Department.

At this rate, the remaining funds from the \$500,000,000 Veterans' Bond Issue approved by the voters in November, 1956, will have been used by the start of 1959.

The proposed \$300,000,000 issue for which voter approval is asked at this election, therefore, is essential to the continued existence of the program. Without it, those qualified California war veterans still awaiting loans at the start of 1959 would be denied their deserved opportunities.

In the ten previous Bond Acts proposed, California voters have expressed overwhelming approval of the program by heavy majorities. Their faith in the veteran, by guaranteeing to the purchasers of these bonds that the State's credit behind them, is amply justified by the record.

Cal-Vet loans are made of up to \$15,000 for a home (that does not exceed \$25,000 in value), and \$40,000 for a farm. Legislation enacted by the 1958 State Legislature and approved by the Governor except for the purchase of farms, restricted the loan almost entirely to "new" loans; which again demonstrates that great need still exists for providing more qualified veterans the opportunity to become home or farm owners for the first time. This was the reason for placing a ban on those "refinancing" loans applied for after July 2, 1957.

This program has a beneficent influence on California's economy. By borrowing capital from na-

tionwide sources on its credit, the State cooperates with private enterprise to create taxable wealth and stimulate farm and home ownership. This is the outstanding veterans' legislation of all the States, benefiting both the veteran and the commonwealth without support from taxes. The veterans who benefit pay all of the costs. Vote "Yes."

ROBERT MCCARTHY  
State Senator

ROY J. NIELSEN  
Member of Assembly  
Sacramento County

**2 SCHOOL BONDS. Senate Constitutional Amendment No. 1.** Directs issue and sale of \$220,000,000 of state bonds to provide loans and grants to school districts for (a) school sites, construction and equipment, and (b) housing and equipment for education of physically handicapped or mentally retarded minors. Requires repayment of advances from Investment Fund. Authorizes legislation regulating allocations to school districts and providing for repayment of allocations by districts. Declares state policy regarding public school sites and buildings.

YES

NO

(For Full Text of Measure, See Page 7, Part II)

#### Analysis by the Legislative Counsel

This constitutional amendment would add Section 19 to Article XVI of the State Constitution to authorize the issuance and sale of state bonds in the amount of \$220,000,000 to provide funds for two types of loans and grants to school districts. It would also provide funds to repay to the Investment Fund, created by Chapter 29, Statutes of 1956 (1st Ex. Sess.), the \$30,000,000 appropriated for that school building aid from that fund by Chapter 15, Statutes of 1958 (1st Ex. Sess.).

The first type of loans and grants is for use in purchasing and improving school sites, purchasing furniture and equipment for schools, and planning and constructing, reconstructing, repairing, altering, and making additions to, school buildings. The second type of loans and grants is for assistance in providing necessary housing and equipment for the education of physically handicapped and mentally retarded minors. The amendment would provide that each district receiving a loan or grant of either type is to repay the same. The first type, however, must be repaid on such terms and in such amounts as may be within the ability of the district, while the second type may be repaid on such terms and in such amounts as the Legislature deems proper.

The amendment would also authorize the Legislature to appropriate money to be expended in addition to or in lieu of the money received from the sale of the bonds, to be expended for the first type of loans and grants. It also provides that if money is appropriated in lieu of the money from the bonds, the total amount of bonds required to be sold (\$220,000,000) shall be reduced by the amount so appropriated.

It would authorize the Legislature to prescribe the procedure for issuing and redeeming the bonds, and to pass all laws, general or special, necessary or convenient for carrying out the provisions of the amendment. It would authorize the enactment of laws by the Legislature which would provide for the allocation of funds by the State Allocation

Board or a similar agency. If provision is made for allocation by such agency, it would grant Members of the Legislature required to meet with the board equal rights and duties with the nonlegislative members to vote and act upon matters pending before the board.

#### Argument in Favor of Senate Constitutional Amendment No. 1

More than two million children have been born in the last eight years in California. Several hundred thousand have moved to California from other states.

California schools need hundreds of new buildings to provide classrooms for these children. Several hundred school districts have used all available funds and voted their maximum of bonds and still do not have enough schools and have no way to provide them.

To meet this situation the State Legislature has provided by law for loans by the State to the districts unable to build needed schools. The law provides many safeguards for state funds, such as cost per square foot limitations and space limitations per pupil.

To make the loans at the rate of eight million dollars a month during the two years nineteen fifty-nine and nineteen sixty, two hundred twenty million dollars will be needed. This bond issue is to meet this need and is required for that period to keep our California boys and girls off the streets and in school.

Enrollment in the public elementary schools is expected to increase to 2,435,000 in 1960. To meet this increase 20,000 classrooms will be required in the elementary schools. A proportionate increase is expected in high schools and junior colleges.

State funds are carefully administered by the State Allocation Board and the districts make substantial repayments to the State.

There is no other way to provide schools in several hundred districts and a "yes" vote on these bonds is a necessity.

Population growth in California will continue and we want it to continue. Providing schools for these new children is a responsibility of the whole State to the extent that it is beyond the ability of the local districts.

The California law on the matter is a fair law with responsible safeguards and has been in operation for nine years. The amount of funds asked is for the urgent needs in a two year period.

The State of California is well able to provide for necessary school buildings and that is what this bond issue will do. Vote yes.

NELSON S. DILWORTH  
Senator for Riverside County  
CASPAR W. WEINBERGER  
Assemblyman for Twenty-first District  
San Francisco  
J. HOWARD WILLIAMS  
Senator for Tulare County

**3 STATE CONSTRUCTION PROGRAM BONDS. Assembly Constitutional Amendment No. 7.** Authorizes issue and sale of \$200,000,000 of state bonds to carry out building program contemplated by State Construction Program Bond Act of 1958. Said act authorizes use of the bond money, when appropriated by the Legislature, for buildings and building sites for state educational institutions, mental and correctional institutions, and other state facilities. Validates said 1958 State Construction Program Bond Act.

YES

NO

(For Full Text of Measure, See Page 8, Part II)

#### Analysis by the Legislative Counsel

This constitutional amendment would add Section 19.5 to Article XVI of the Constitution. It would authorize the issuance and sale of state bonds in the sum of \$200,000,000 and the use of the proceeds as provided in the State Construction Program Bond Act of 1958 (Ch. 88 of the Statutes of 1958, 1st Ex. Sess.), thus providing a fund to be used to carry out the state construction program contemplated by that act which is expressly declared to be approved, legalized and validated. It would permit amendments to the bond act providing that such amendments do not increase the sum of the bonds to be sold or do not authorize the proceeds to be utilized for purposes unrelated to the construction program.

The State Construction Program Bond Act of 1958 states that its purpose is to provide the necessary funds to meet the major building construction, equipment, and site acquisition needs for the departments of the State Government which are financed primarily from general revenues rather than from special funds. These needs are more particularly described in the *Report on State Building Construction Program*, prepared by the Department of Finance and printed in the appendix to the 1955 Senate Journal in Volume 1. The bond act provides, however, that the Legislature may deviate from the specific projects mentioned in the report in utilizing the bond proceeds so long as the proceeds are not used for purposes specifically excluded from the program or for purposes not reasonably related thereto. The Legislature is not required to follow the system of priorities contained in the report.

The bond act provides that the bonds are to be general obligations of the State for the payment of which the full faith and credit of the State is pledged, and it appropriates annually from the General Fund the sum necessary to make the principal and interest payments on the bonds as they become due.

Bonds are to be issued under the bond act only for projects for which funds are appropriated in any year by the Legislature in a separate section of the Budget Act. The Department of Finance is

required to total the appropriations made in such separate section of the Budget Act annually and to request the State Construction Program Committee, which consists of the Governor, the State Controller, the State Treasurer, the Director of Finance, and the Director of Public Works, to have sufficient bonds issued and sold to carry out such projects.

#### Argument in Favor of Assembly Constitutional Amendment No. 7

The State's population continues to increase at approximately 500,000 people per year. A heavy portion of this great increase is in the school and college age segment. This year's total enrollment of 94,000 students in the University of California and the State Colleges, for example, will increase to 187,000 by 1966, an increase of almost 100%. To keep pace with this growth the State must build more University and college buildings and expand its State hospitals, correctional institutions and other facilities.

A building program of such essential construction projects will require the State to spend at least \$125,000,000 per year for the next five years. Part of this outlay can be met from current tax revenues, but the burden is too great to be met entirely from tax sources. The plan to finance the State Building Construction Program partly from current revenues and partly from this bond issue is a sound one. Current tax revenues will be used on the pay-as-you-go principle to the greatest extent possible. Bond funds will supplement the current funds to the extent necessary to carry on an uninterrupted program, particularly during times of lesser tax yields. By borrowing part of the necessary monies the future users of the buildings will pay part of the cost.

The monies derived from the sale of these bonds would be spent only after strict budget review and authorization by the Legislature.

This measure is submitted to the voters with the approval of more than two-thirds vote of each house of the Legislature and the recommendation of the State's fiscal officers.

Vote YES so that the State may continue its orderly and vitally necessary building construction program.

BRUCE SUMNER  
Assemblyman, 74th District

#### Argument Against Assembly Constitutional Amendment No. 7

This proposal for an additional \$200,000,000 bond issue for construction of state buildings should be defeated. In November 1956 the voters approved a \$200,000,000 bond issue for this same purpose upon the express representation that the money was needed as a part of a \$400,000,000 five-year building program, one-half of which was to be paid out of current revenues. Governor Knight in his budget message of 1957-58 reaffirmed this plan in stating as follows:

"It is recommended that 50 million of the newly authorized state construction program bonds be issued to meet a portion of the cost of this program, the remainder to be financed from current revenue. This is in accordance with the plan of financing recommended when the \$200 million bond issue was proposed; that is, that the bond funds be allocated over the remaining four years of the five-year building program to supplement funds from current revenues." (Emphasis added.)

Now, only two years later, the administration is back asking the voters for another \$200 million. Why?

Because for the fiscal year 1958-59, the previous five-year program and the representations made to

secure voter approval of it was thrown out the window—and the entire remaining balance of the State Construction Program Bonds used to balance the budget, without any significant contribution from current revenues for Capital Outlay; this was done without any provision for General Fund revenues to pay even the interest on the additional construction bonds which are to be sold.

Yet in the face of this breach of faith, or rather because of it, the administration is asking voter approval of another \$200 million construction bond issue! Running the state on borrowed money is more costly for taxpayers in the long run—ultimately we have to pay back the borrowed money with interest.

If the voters were to approve this bond issue, then it will be an invitation for every future administration to do the same thing again, that is, when fiscal problems get difficult, use bond funds to balance the budget, and put off on a future administration the problem of either cutting State services or increasing taxes. This may be smart politics, but it is not sound fiscal policy.

It is time the voters put the State of California back on a "pay-as-you-go" basis.

You can hasten that day by voting NO on Assembly Constitutional Amendment No. 7.

S. C. MASTERSON  
Member of the Assembly  
Eleventh District  
Contra Costa County

#### HARBOR DEVELOPMENT BONDS. Assembly Constitutional Amendment No. 11.

4 Authorizes issue and sale of \$60,000,000 of state bonds in accordance with Harbor Development Bond Law of 1958. Said Law permits up to \$50,000,000 of bonds to be issued for development of state harbor facilities at San Francisco and up to \$10,000,000 for financing of small craft harbor development program. Bonds will be general obligations of State, but payable primarily from receipts of state treasury funds designated as San Francisco Harbor Improvement Fund and Small Craft Harbor Improvement Fund, respectively. Validates said Harbor Development Bond Law of 1958.

YES

NO

(For Full Text of Measure, See Page 8, Part II)

#### Analysis by the Legislative Counsel

This constitutional amendment would add Section 8½ to Article XVI of the Constitution, to authorize the issuance and sale of state bonds in the sum of \$60,000,000 to provide for the construction, improvement, and development of harbors in this State.

The proceeds of the sale of such bonds are to be used as provided in the Harbor Development Bond Law of 1958 (Ch. 103 of the Statutes of 1958, 1st Ex. Sess.), which would be validated and made operative by this amendment. That law provides that not to exceed \$50,000,000 of the proceeds of the bonds can be used for the purpose of providing funds for the improvement of San Francisco Harbor and its facilities, and to redeem outstanding bonds. Not to exceed \$10,000,000 of the proceeds of the bonds can be used to provide loans to cities, counties, and counties, counties, and districts for the

planning, acquisition, construction, improvement, maintenance or operation of small craft harbors and their facilities.

The Harbor Development Bond Law of 1958 appropriates money for the payment of the principal and interest of the bonds. The money is to be paid, first, from available revenues of San Francisco Harbor, and, in the case of small craft harbors, from funds repaid on loans. If those funds are not sufficient, then money is made available from the General Fund in the State Treasury, but it is to be repaid to the General Fund, with interest, from such revenues and from the repayments on loans.

The constitutional amendment permits the Legislature to amend the Harbor Development Bond Law of 1958 in any manner germane to that law, without increasing the amount of bonds or permitting the use of the proceeds for purposes unrelated to the purposes described in that law.

The amendment further provides that nothing in the Constitution shall invalidate or restrict its provisions.

#### **Argument in Favor of Assembly Constitutional Amendment No. 11**

**Combine Good Business With Pleasure—Vote Yes on Proposition 4!**

Proposition 4 provides for establishment of a \$60,000,000 self-liquidating bond fund for "pay as you go" development of the State Harbor, and of small craft facilities throughout California.

Development of harbor facilities is vital to all the State because ocean-borne commerce with its great shipping industry and thriving ports contributes to the prosperity of every Californian. Small craft facilities and inland waterways also are of Statewide importance with their recreational and commercial values accruing to every citizen.

Proposition 4 insures improved facilities to serve all of the State's water traffic—from outboard motorboats to ocean liners.

Of the total bond issue, \$50,000,000 would be used for improvement of State Harbor facilities in San Francisco Bay. These funds, to be repaid entirely out of Port revenues, will improve and build new, modern cargo and passenger facilities and enable handling of larger, faster vessels, and tonnage from the ports of the world.

Urgently needed development of small craft facilities on both inland and coastal waterways will be assured by creation of a \$10,000,000 revolving fund to finance loans to local agencies throughout the State—to be repaid from revenues generated by public use of the marine facilities. Small craft projects are planned—and could be financed by funds authorized by Proposition 4—from Crescent City and Klamath to San Diego County's Imperial Beach and Mission Bay on the coast, and in inland areas from Lassen County's Eagle Lake to Imperial County's Salton Sea.

#### **NONE OF THESE UNDERTAKINGS WILL COST STATE TAXPAYERS ONE DOLLAR!**

The State Port Authority never has received nor required tax funds of any kind! The State Port, since 1891, has issued more than \$38,600,000 in bonds and has made every interest payment and redemption of bonds as due from Port revenues.

At present there are 200,000 small boat owners in California and nearly 700,000 people using our waterways. Facilities are grossly inadequate and recreational needs are growing far faster than they can be met locally. But boating recreation in California will pay its own way with the new facilities. It will at the same time bolster the economy with increased tourist trade, improved property values and revenues from boats, equipment and services.

Hundreds of State and local organizations, representative of Californians in every walk of life, have endorsed Proposition 4. The measure is largely non-controversial but is of paramount importance

to orderly development of California harbor facilities.

This vital State harbor and small craft development program was overwhelmingly endorsed by both Houses of the State Legislature.

Proposition 4 has the strong backing of Democrats and Republicans alike. It is warmly supported by both Attorney General Edmund G. (Pat) Brown, the Democratic nominee for Governor, and by Senator William F. Knowland, the Republican Governorship nominee.

**THIS EXCEEDINGLY BENEFICIAL PROGRAM CAN BE CARRIED THROUGH AT NO COST TO THE TAXPAYERS!**

**COMBINE GOOD BUSINESS WITH PLEASURE!**

**VOTE YES ON PROPOSITION 4!**

ASSEMBLYMAN GLENN E. COOLIDGE  
(Republican—Santa Cruz County)  
Chairman, Assembly Ways and Means Committee

SENATOR JOHN J. HOLLISTER, JR.  
(Democrat—Santa Barbara County)  
Chairman, Senate Interim Committee on Small Boat Harbors

#### **Argument Against Assembly Constitutional Amendment No. 11**

Proposition 4 is one of those proposals which neither all good nor all bad.

Proposition 4's proposed \$50 million self-liquidating bond fund for development of the State Harbor is the good part of this measure. Its advocates base their support on the circumstance that it will provide needed improvements in the State's Harbor, would mean millions of dollars to California in port business and in payrolls, and would pay for itself out of port revenues without resort to taxation. Certainly the average Californian will not fight with these aspects of the legislation.

However, tied to this useful state port bond program is a \$10 million bond fund that would provide state funds for recreational purposes.

This \$10 million recreational fund would be made available for self-liquidating loans to local agencies throughout the state. Repayment would be made from revenues accruing from small boat owners along coastal and inland waterways.

Since the small-craft facilities affected by the \$10 million bond fund are valuable chiefly as recreation for boating and fishing enthusiasts and for visiting tourists, their development would seem properly to be a local tax matter. Each community should enter into such recreational programs only if it can finance them itself by some such revenue raising means as property or sales tax increases.

It is a fact, also, that the offer of easy loans by government makes tempting the development of local projects that otherwise would be solely local.

responsibilities. Thus, as communities grow, the availability of ready state loans might well lead to the conversion of historic shorelands from undeveloped wilderness areas to areas chiefly available to enthusiasts.

The major issue at stake in Proposition 4 is one of principle. State bond issues for development of the State Harbor seem historically to be sound

policy. State bond funds for local recreational purposes, however, do not seem reasonable nor necessary.

A. F. "GUS" GAYNOR  
San Francisco Insurance  
Representative  
310 Arballo Drive  
San Francisco, California

COMPENSATION OF LEGISLATORS. Senate Constitutional Amendment No. 5.		YES	
5	Permits Legislature to fix legislators' salaries by statute, but not in excess of average salary of county supervisors in the five most populous counties.		
		NO	

(For Full Text of Measure, See Page 8, Part II)

#### Analysis by the Legislative Counsel

This constitutional amendment would affect Section 23 of Article IV of the Constitution which purports to fix the salary of a Member of the Legislature at \$100 a month. This 1924 salary amount was superseded in 1954 by the first paragraph of subdivision (b) of Section 2 of Article IV which fixes the present salary of a Member of the Legislature at \$500 a month, and which would be repealed by this amendment.

As amended, the proposed Section 23 of Article IV would specify that the State Legislature is the highest legislative body in the State of California.

It would authorize the fixing of the salary of a Member of the Legislature by statute rather than by constitutional provision.

It would limit the statutory salary for a Member of the Legislature to an amount which does not exceed the average of the salaries provided by law for the office of a member of the board of supervisors in the five most populous counties in California.

This constitutional limit on legislators' salaries would be flexible since changes in supervisors' salaries, as well as changes in the population of counties established as provided by law, would increase or decrease the limit. The last such determination of county population is found in Government Code Section 28020. It is based upon the 1950 Federal Census which established Los Angeles, San Francisco, Alameda, San Diego and Contra Costa as the five most populous counties in California. Using the average of the salaries now provided by law for a member of the board of supervisors in those counties, the constitutional limitation on annual salaries of Members of the Legislature would be \$10,080. The amendment would, of course, permit the Legislature to fix the salary at any figure up to this limit.

#### Argument in Favor of Senate Constitutional Amendment No. 5

Senate Constitutional Amendment No. 5 proposes to amend the California Constitution by repealing Section 2(b) of Article IV fixing a salary of \$500 per month for members of the Legislature and by amending Section 23 of the same Article to provide that such salary shall be fixed by statute but shall not exceed the average of the salaries provided by law for members of the boards of supervisors of the

five most populous counties. It is also provided that the Legislature of the State of California is the highest legislative body within California.

The amendment itself does not provide a specified annual salary for members of the Legislature. The effect is to remove legislative salaries from the inflexibility of the Constitution and to authorize their fixing by statute within a ceiling.

It has been determined that the constitutional ceiling would currently be \$10,080 under existing laws establishing salaries for supervisors in the five most populous counties. Supervisorial salaries are set either by county charter or by the Legislature. In the latter case, the salaries fixed are customarily only those locally recommended. The figure of \$10,080 is a ceiling only, and legislative salaries may well be fixed below this level.

The following are the principal arguments in support of the proposed amendment:

1. The Constitution, as the basic organic law of the State, should be confined to provisions intended to serve the State over long periods of time and dealing with fundamental decisions of governmental organization, public policy and rights. The salaries of public officers, like those of public employees, require constant review and should be capable of change, either up or down, without amendment to the organic law.

2. The trend in current state government is in this direction. The majority of the states today fix the salaries of members of the legislature by statute rather than by constitutional provision. The Model State Constitution of the National Municipal League contains the provision that "The members of the Legislature shall receive an annual salary as may be prescribed by law . . ."

3. The United States Congress under the Federal Constitution (Article I, Sec. 6(1)) has had since 1788 the unlimited power to set its own salaries by statute. This power has not been abused.

4. Numerous public and citizen bodies recently have concluded, after study of the problem, that legislative salaries should be capable of change by statute. These bodies have included the Joint Legislative Committee on Legislative Procedure, the California Conference on State Government, and the Committee on American Legislatures of the American Political Science Association.

5. In 1957 a specially appointed California Citizens Legislative Advisory Commission, composed of 67 distinguished citizens of this State representing business, labor, agriculture and government, studied



this problem carefully and recommended that the constitutional provisions fixing legislative salaries should be repealed and authorization given to establish them by statute. The proposed amendment does exactly this except that it also imposes a ceiling upon the exercise of this legislative power.

JAMES A. COBEY

State Senator—24th Senatorial District

#### Argument Against Senate Constitutional Amendment No. 5

The salary of the members of the California Legislature has long been a problem of concern. Existing inequities will continue as long as all members of the Legislature receive the same salary. The work load of a State Senator representing over five million people in Los Angeles County, for example, is obviously several times the load of a Senator representing a single smaller county having less than 100,000 population. Conversely, an Assemblyman, representing a sparsely populated area has a much more difficult and expensive task in representing such an area, as compared to an Assemblyman representing an urban area.

Realizing the many problems involved, a Citizens' Legislative Advisory Commission was created in 1957 to study the problem of legislative pay and recommend salary revisions and adjustments. After a thorough study at considerable cost, they recommended an increase from the present \$6000 to \$9000 per year. (Whether it is possible to buy statesmanship by offering salary inducement is still an unsolved problem.)

In April 1958, after the Commission reported their recommendation, the Legislature took an entirely different approach, and initiated a constitutional amendment permitting them to set their own salaries, up to the average of salaries received by the supervisors in the five "most populous" counties in the state.

As the proposal works out now the maximum could be \$10,080 a year under this formula. However, the Legislature sets the salaries of supervisors, directly or indirectly, in each of the five big counties, excepting San Francisco, where the salary is regulated by charter. So, if Proposition Five passes, every time the Legislature raises salaries in big counties—and it is done with monotonous regularity—they will in effect be putting themselves in line for more pay, if they choose, to do so. The very idea of trying to set up a device by which Legislators' salaries will be adjusted upward in direct proportion to those of supervisors, which the Legislators themselves control, should be enough to defeat the measure.

However, this is not all. Not the least of the objectionable features of Proposition Five is the very great liberalizing impact that higher pay would have upon the already generous legislative retirement system. The present terms of the State Retirement System permits a Legislator to retire at 75% of his salary if he has had fifteen years of service and has reached sixty-three or over. This same retirement formula would apply on any increased salary, not only to Legislators retiring in the future, but would be retroactive to those who have already retired.

All good Americans desire to pay adequately and in full, for services rendered, be that service in private life or in public office. But this measure is not the answer to the Legislators' salary problem. To grant employees in private life the right to set their own salaries is unheard of—neither should it be permitted in public office. As a member of the Legislature I do not wish to accept that responsibility. As a tax-paying citizen I do not wish to grant to my representatives. The measure is wrong in principle, poorly conceived and should be defeated.

JOHN A. MURDY, JR.

State Senator—35th District

**6 STATE INDEBTEDNESS.** Senate Constitutional Amendment No. 33. Changes method of publication of proposed state bond issue laws. Deletes provision establishing Secretary of State's ballot pamphlet as the only required publication and requires that such proposals be published in at least one newspaper in each of at least 50 counties (including the five most populous counties) throughout the State for eight weeks before the election at which submitted for vote.

YES

NO

(For Full Text of Measure, See Page 9, Part II)

#### Analysis by the Legislative Counsel

The Constitution now requires approval by a vote of the people in order for a legislative act to become effective which authorizes the creation of any debt or liability which, singly or in the aggregate with any previous debts or liabilities, exceeds the sum of \$300,000, except in case of war to repel invasion or suppress insurrection.

This constitutional amendment, affecting Section 1 of Article XVI of the Constitution, would add a provision to require that any such law shall be published in at least one newspaper in each of at least fifty of the counties, including at least the five largest counties as determined by the last

federal census of population, and in the City and County of San Francisco for eight weeks next preceding the election at which the law is submitted to the people.

The amendment would eliminate from the Constitution the present provision that full publicity as to matters to be voted upon by the people is afforded by the setting out of the complete text of the proposed laws, together with the arguments for and against them, in the ballot pamphlet mailed to each elector preceding the election at which they are submitted. It would also delete the provision that the only requirement for publication of such a law shall be that it be set in length in the ballot pamphlet.

**Argument in Favor of  
Senate Constitutional Amendment No. 33**

For over a century a concept of keeping the electorate adequately informed on public business in California through the medium of mandatory public notice in the State's newspapers has protected the people against excessive spending in government. Particularly was this true of proposed state bonded indebtedness to be voted upon by the taxpayers.

During this long period it was specified in the Constitution that all state bond issues to appear on the ballot must be advertised in full for thirteen consecutive weeks prior to the election in a newspaper in each county.

Two years ago this century-old proceeding was interrupted by an additional constitutional amendment (narrowly adopted) primarily designed to reduce the statutory period of state bond issues from 75 years to 50 years. But also included was a section repealing the provisions of mandatory public notice of state bond issues, specifying that sufficient publicity to the electorate would be effected by the sample ballot pamphlet distributed a short time before such elections.

The 1957 Session of the Legislature with only six dissenting votes of its 120 members, recognizing the error of this repeal, adopted Senate Constitutional Amendment No. 33, which appears on this ballot as Proposition No. 6.

This would re-establish a mandatory public notice of state bond issues, but on a reduced basis to meet the objections of state government economists. It would re-assert the sound principle of an informed electorate at a much lower cost than previously. New specifications would be for publication for eight consecutive weeks prior to the election in a newspaper in at least fifty of the State's counties. For example, the cost of such publication as proposed, when applied to the last bond issue submitted to the voters would be about 6/1000th of one percent of that bond issue.

Thus, if approved by the voters, Proposition No. 6 would re-establish your adequate, advance knowledge of the scope and purposes of any proposed bonded indebtedness, for which you would become liable, in time for proper analysis and discussion. While voluntary or incidental discussion of such proposals may occur without a mandatory requirement, only by the passage of this amendment will advance notice be guaranteed. **FAILURE TO REQUIRE ADEQUATE NOTICE OF INTENTION TO INCUR PUBLIC DEBT CREATES AN OPPORTUNITY FOR SUPPRESSION OF INFORMATION.**

The principle of public notice by mandatory publication was endorsed by the American Legion,

Department of California, in regular annual convention representing the greatest number of beneficiaries of the Veterans Farm and Home Loan Act, which has been one of the outstanding examples of the submission of such state bond issues over the past thirty years. This veterans program has been successfully administered without loss to the state since shortly after World War I.

The Legion officially supported Proposition No. 6 before the appropriate committees of the Legislature.

**CALIFORNIANS HAVE ALWAYS BEEN  
RECOGNIZED NATION-WIDE AS THE BEST  
INFORMED ELECTORATE IN THE COUNTRY.  
AN AYE VOTE ON PROPOSITION NO. 6 WILL  
HELP TO MAINTAIN THIS ENVIABLE REPUTATION.**

LUTHER E. GIBSON  
Senator for Solano County

ARTHUR H. BREED, JR.  
Senator for Alameda County

**Argument Against  
Senate Constitutional Amendment No. 33**

Vote No. This measure will add a requirement of a large legal advertisement in newspapers in at least fifty counties for eight weeks for each bond issue submitted by bill in the Legislature for a vote of the people. The present requirement is that the proposed bond issue be printed in the pamphlet mailed to each voter with their sample ballot along with arguments for and against it. This lets everybody know about it. Few things are more discussed than the ballot measures. They are argued in the Legislature and discussed in countless meetings everywhere. Various organizations make recommendations statewide.

Here is the new language, "AND SUCH LAW SHALL BE PUBLISHED IN AT LEAST ONE NEWSPAPER IN EACH OF AT LEAST 50 OF THE COUNTIES, (including at least the five largest counties as determined by the last federal census of population) AND IN EACH CITY AND COUNTY THROUGHOUT THE STATE FOR EIGHT WEEKS NEXT PRECEDING THE ELECTION AT WHICH IT IS SUBMITTED TO THE PEOPLE."

All these advertisements will be very costly to publish and everybody knows about the ballot measures anyhow. This is an unnecessary expense. Vote No.

NELSON S. DILWORTH  
Member of the Senate  
Thirty-seventh Senatorial District

**7** **GOVERNMENT FUNCTIONS: WARTIME DISASTER. Assembly Constitutional Amendment No. 5.** Adds enabling provision to Constitution authorizing Legislature to adopt wartime disaster laws, providing for filling offices of legislators or governor in case of death or disabling injury of one-fifth of legislators or incumbent governor; for convening of general or extraordinary legislative sessions; for elections to fill vacant or temporarily-occupied offices, and for temporary location of state capital and county seats. Modifies existing constitutional provision regarding succession to governorship.

YES

NO

(For Full Text of Measure, See Page 9, Part II)

#### Analysis by the Legislative Counsel

This proposed constitutional amendment would affect Section 16 of Article V which provides for the succession to the Office of Governor. It would also add Section 38 to Article IV, vesting in the Legislature the power to provide for the preservation of state and local government in the event of war-caused or enemy-caused disaster.

Section 16 of Article V now provides for the following officers to succeed to the Office of Governor in event of a vacancy:

Lieutenant Governor  
President Pro Tempore of the Senate  
Speaker of the Assembly  
Secretary of State  
Attorney General  
Treasurer  
Comptroller

Section 16 of Article V now provides that only the Lieutenant Governor "becomes" Governor in the event of a vacancy in the governorship. In the case of the other officers listed, the powers and duties of Governor "devolve" upon them, and their status would be that of Acting Governor while still retaining the office to which they were elected. The proposed amendment would provide that each of the enumerated officers would become Governor in the event of succession to that office, so that all the officers would have the same status now specified with respect to the Lieutenant Governor in such event.

The amendment to Section 16 would further provide that, if a vacancy occurs in the governorship by reason of a war-caused or enemy-caused disaster and if none of the specifically listed officers are available to serve as Governor, then such person as has been designated by legislative action shall succeed to the office.

The proposed new Section 38, to be added to Article IV, would provide that nothing in the Constitution limits the power of the Legislature to provide for:

(a) Filling of offices of members of the Legislature or the office of Governor if at least one-fifth of the incumbent members of either house, or the incumbent Governor, are killed, missing or so seriously injured as to be unable to perform their duties as the result of war-caused or enemy-caused disaster. The offices may be filled only until the incumbent or incumbents are able to perform such duties or until successors are chosen.

(b) Convening of the Legislature in general or extraordinary session during or after a war-caused or enemy-caused disaster occurring in the

State, and specifying the subjects which may be considered and acted upon at such extraordinary or general session.

(c) Calling and holding of elections to fill offices which are elective under the Constitution where there are vacancies resulting from such disaster, or where the offices are being filled by persons not elected thereto as a result of such disaster.

(d) Selection and changing of a temporary seat of state government and temporary county seats to be used if made necessary by enemy attack.

Statutes implementing the proposed Section 38 were enacted at the 1958 session of the Legislature, and are to become operative upon the adoption of this amendment by the people. (See Statutes of 1958, 1st Ex. Sess., Chapters 60, 61, 75 and 87.)

#### Argument in Favor of Assembly Constitutional Amendment No. 5

VOTE "YES" ON AMENDMENT NO. 5 RE-CAUSE:

##### 1. IT IS NECESSARY.

California's long coast line exposes it to attack by missiles launched from submarines. A few well placed hydrogen bombs could kill the Governor and the other officers designated by the Constitution to succeed him as well as a majority of the members of the Legislature. Our present Constitutional provisions are inadequate for such a catastrophe, and our citizens would not have any State government nor any rapid means of getting one.

State government is important. It is the source of most of the laws under which we live. Every day we see police officers enforcing State laws. Every day many of us receive services such as water, sewerage and electricity furnished by agencies formed under the State.

Don't think that when the real thing comes a dictator backed by martial law is the only solution. Studies now show that this would hinder recovery. It is simply not possible to pretrain military administrators in the many and diverse techniques of government that are second nature to experienced, responsible civilian officials. People will respond more willingly to civil leaders than Army officers. In our civil government laws come down, but the impulses that cause the laws to be made come up from the people. In the military, there is no current of popular control going up. The interference with customary freedoms, rights and legal processes (such as habeas corpus) would quickly become intolerable. Furthermore, in a nationwide emergency, there are not enough soldiers to govern the entire

country. Recognizing these truths the Federal Civil Defense Administration has made continuity of civil government one of its highest priority programs.

#### IT DOES THE JOB.

Civil government must not be left to well meaning volunteers. As shown by the Legislative Counsel's analysis the amendment empowers the Legislature to provide for the continuation of our State government in its present form. Under it there will be personnel to carry on. It is restricted to the war or enemy caused disaster situation.

#### 3. IT IS THE RESULT OF LONG CAREFUL WORK.

The amendment is a part of the program proposed by a special committee of the Assembly after almost two years of study. It was drafted by a Special Committee of the State Bar of California and has been approved by the Board of Governors

of the State Bar, Board of Trustees of the Los Angeles Bar Association, the Attorney General's Office and the Legislative Counsel's Office. It has the enthusiastic support of the State and Federal Civil Defense Officials.

#### 4. IT MAY HELP TO PREVENT AN ATTACK.

Dr. Edward Teller has said—"If we prepare ourselves so that a terrible attack—although it might hurt us—could not destroy us, then such an attack will never come."

Here, then, is a way to help prepare. Vote "YES" ON AMENDMENT NO. 5!

RICHARD RICHARDS  
Senator, 38th Senatorial District  
Los Angeles County

VERNON KILPATRICK  
Assemblyman, 55th Assembly  
District, Los Angeles County

**PRESIDENTIAL VOTING. Assembly Constitutional Amendment No. 2.** Authorizes legislation permitting persons to vote for President and Vice President after residing in California for 54 days but less than one year, if otherwise qualified as California electors.

8

YES

NO

(For Full Text of Measure, See Page 11, Part II)

#### Analysis by the Legislative Counsel

This constitutional amendment would add Section 1½ to Article II of the Constitution, to empower the Legislature to extend to certain new residents of this State the right to vote for President and Vice President of the United States at the general election held in presidential years. This right could be extended only to new residents who have resided in this State for at least 54 days if (1) they were either qualified electors in another state prior to their moving to this State or would have been eligible to vote in such other state had they remained there until the presidential election, and if (2) they meet the constitutional requirements for voting in this State except that they have not resided here for one year.

The Legislature, at its 1957 Regular Session, enacted Chapter 2122 of the Statutes of 1957, which would become operative upon the adoption of this constitutional amendment by the people. Chapter 2122 would give the right to vote for President and Vice President to new residents meeting the qualifications specified in the preceding paragraph. It also prescribes the procedure to be followed in establishing the right of a qualified new resident to vote, and specifies the manner in which such vote shall be cast.

#### Argument in Favor of Assembly Constitutional Amendment No. 2

Under existing California voting law a person who moves to California from another state and establishes a new residence here may not vote until he has lived in California for one year and in the county of his new residence for 90 days. Because he has changed his residence he may not vote in an absentee ballot in the state from which he has migrated. Hence, he is completely disenfranchised for one year. He is not only barred from voting in local and statewide elections both in the state from which he has migrated and in California, his new home, but he is also prohibited from participating in national presidential elections.

The residence requirement and knowledge of our local or statewide problems is needed in order to vote intelligently and authoritatively on our ballot measures or for city, county or statewide offices. The requirement of residence, however, is not justified in connection with a presidential election for the reason that local or statewide knowledge is not needed to qualify a person to be able to make a selection for a presidential elector. Moreover, every qualified voter in the United States should have the opportunity to exercise his right to vote for president and vice president.

Proposition No. 8 is designed to give these "displaced voters" the right to vote for the president and vice president of their choice even though the voters are otherwise, for reasons of limited residence, unable to satisfy California voting requirements for a local or statewide election.

Chapter 2122, Statutes of 1957, provides procedural safeguards designed to prevent the new resident of California who wishes to take advantage of this new voting privilege from practicing fraud or misrepresentation upon the county clerk of the county in which he has established a new residence. The person must register with the county clerk of his new county of residence at least 54 days before the presidential election the same as any other voter, and the ballot cast by the new voter is canvassed the same as an absentee ballot. He will not be permitted to vote for candidates for local or state offices or on local issues.

Anyone who would have been qualified to vote for a presidential elector in the county of the state from which he migrated to California and who, except for insufficient residence, is qualified to vote in California should not be required to forfeit his right to vote for a presidential elector solely because of residence. The president and vice president govern all of the people of the United States and the residence of the voter within the United States has nothing to do with the responsibility of these national officers to the voter. To be governed without the right to vote for the person governing is contrary to the basic concepts of our Democratic form of government. And since there is neither justification nor reason for a residential voting requirement in presidential elections the requirement should be abolished.

THOMAS J. MACBRIDE  
Assemblyman, 8th District

#### Argument Against Assembly Constitutional Amendment No. 2

According to the State Constitution a resident of California is required to live in the State of California a minimum of one year in order to vote for Presidential Electors, Congressmen, and State Officers.

This proposed amendment would authorize the Legislature to extend the voting privilege for Presidential Electors to persons who have lived in California ONLY 54 days.

This proposed constitutional amendment should be defeated for the following reasons:

1. IT IS NOT CONSISTENT. There is no need or justification for this change in the constitution. A person who lived in California less than one year could, if the amendment is adopted, vote

ONLY for Presidential Electors, but NOT for Governor, U. S. Senator, U. S. Representative, State Senator, State Assemblyman or other officers. Why should a person be qualified JUST to vote for Presidential Electors and NOT for all the other officers? Why should some people be allowed to vote for the highest office in the land, but be prohibited from voting for the other federal and state offices?

2. IT WOULD BE EXPENSIVE. If the amendment is adopted, each county would have to provide separate ballots for some voters who could ONLY vote for Presidential Electors, and provide other ballots for persons who would be allowed to vote for Presidential Electors AND other federal and state officers. There is no justification for the additional expense.

3. IT WOULD BE DIFFICULT TO ADMINISTER. The only people who would benefit from this change would be those persons who were eligible to vote in another state had they remained in such state until the Presidential election. The registration officials, in order to follow the law, might be required to investigate each of the special registrants to determine if they were qualified voters in another state. Would the County Clerks and Registrars be required to investigate each claim? What proof would be required? The cost of the investigations would almost be beyond comprehension.

For economy and efficiency, a NO vote is urged on this constitutional amendment. VOTE NO!

JOHN M. HANLEY  
800 University Avenue, Palo Alto  
Member, Republican Central  
Committee of Santa Clara  
County, State of California

#### GENERAL LEGISLATIVE SESSIONS. Assembly Constitutional Amendment No. 36.

Eliminates mandatory 30-day recess during general sessions of Legislature in odd-numbered years. Prevents committee hearing or passage of bills (other than Budget Bill) for 30 days after introduction at general sessions, but permits waiver by three-fourths vote. Excludes Saturdays and Sundays from 120-day limit on length of general sessions.

YES

NO

(For Full Text of Measure, See Page 11, Part II)

#### Analysis by the Legislative Counsel

This constitutional amendment would affect that portion of Section 2 of Article IV of the California Constitution which relates to the duration of general sessions of the Legislature. These sessions occur only in odd-numbered years and presently, no general session of the Legislature may exceed 120 calendar days. This is computed by including the Saturdays and Sundays that fall within the period, and by excluding the duration of the constitutional recess which is required and which must last for at least 30 calendar days.

This amendment would change the duration of the general sessions by excluding Saturdays and Sundays in computing the 120 calendar day period. It would also eliminate the constitutional recess during the general sessions. Thus, under the amendment, the general sessions would run

continuously from the time of commencement until the expiration of the 120 calendar day period, not counting the Saturdays and Sundays that fall within that period. The date and time of the commencement of the general sessions, 12 o'clock noon on the first Monday after the first day of January, would not be affected. In 1959, for example, the Legislature would convene on January 5, 1959 and would adjourn the general session on June 19, 1959.

Under the present wording of the Constitution, after the required constitutional recess during the general session, no bills may be introduced in either house without the consent of three-fourths of the members, and a member may not introduce more than two bills. The proposed measure would provide instead that, during the general session, no bill other than the Budget Bill may be introduced.

by any committee or acted upon by either house until 30 calendar days after the date of its introduction. This 30 calendar day period could be dispensed with, however, by the consent of three-fourths of the members of the house.

Finally, the measure changes the maximum period for which legislators may be reimbursed for expenses incurred while attending a general session to conform to the increased duration of the general session. It also deletes an obsolete provision relating to the budget sessions of the Legislature, held in even-numbered years, which was superseded in 1956 by the addition of subdivision (c) to Section 2 of Article IV.

#### **Argument in Favor of Assembly Constitutional Amendment No. 36**

This proposed legislation has been recommended by a group of leading political scientists and has received full endorsement of the Citizens Legislative Advisory Commission of the State of California.

Currently the General Session of the California Legislature is limited to 120 calendar days. It opens with a bill introduction period of not more than thirty days; is followed by a recess of not less than 30 days; and reconvenes, for a period of time not to exceed the total 120 calendar day limit, to study, enact or reject bills originally introduced.

Adoption of this amendment would abolish the split session, which requires the recess of no less than 30 days, and would add approximately 18 calendar days to the session. While the recess was undoubtedly sound legislation in 1911, at which time it was adopted, it is not presently functional.

Only this interim was provided to give the public time to read and analyze measures introduced during the first thirty days. Presently, however, the tremendous increase in legislative problems resulting from the rapid growth and development of our State has caused such a flood of bills that the State Printer is unable to get them into print until the end of the recess and the public has little time to study them. Further, the split session has led to the mass introduction of bills before the recess, which results in little chance to work out details of any proposal. This means that many bills are in skeletal or "spot bill" form and convey only that the author has in mind some unidentified change in the law on a particular subject. Such bills mean little to the public, and must be later amended and reprinted—all of which is time-consuming and expensive.

The amendment would permit introduction of bills during the first ninety days of the session, excluding Saturdays and Sundays. (Three-fourths of the members of either House could, however, permit consideration of a bill within the remaining thirty-day period if the urgency thereof should necessitate.) This would give each legislator time to prepare his bills carefully and eliminate much of the current practice of "spot bill" introduction. The Saturday and Sunday exclusion would also provide each legislator time for evaluating legislation important to his District, holding conferences with his constituents and answering inquiries from

If this amendment is adopted, the Legislative Counsel will prepare a digest of each measure at the time it is introduced. If the split session is abolished, there will be a more even flow of bill introduction over a longer period, and the Legislative Counsel will be able to keep the index and digest current during the entire session. This would allow you to examine the index and digest at any time to determine whether legislation you are interested in has been introduced, and would give all interested persons thirty days after a bill is introduced to determine its effect.

ALLEN MILLER, Assemblyman

JOHN F. MCCARTHY, Senator

CHARLES J. CONRAD, Assemblyman  
Speaker Pro Tempore of Assembly

#### **Argument Against Assembly Constitutional Amendment No. 36**

The proposed amendment to the Constitution of the State of California, Article IV, Section 2, Subdivisions (a) and (b), relating to sessions of the legislature, would have the following effects:

1) The recess now required to be taken by both houses for not less than 30 calendar days immediately following the initial convening of the legislature in general session would be eliminated.

2) The limitations on the introduction of bills in either house subsequent to the first 30 calendar days of the general session would be nullified. A bill, therefore, could be introduced at any time during a general session of the legislature subject to the limitation that no bill, other than the Budget Bill, shall be heard by any committee or acted upon by either house until 30 calendar days have elapsed following the date the bill was first introduced, unless this limitation would be dispensed with by consent of three-quarters of the members of the house.

At first glance it appears that such an amendment would be a welcome relief to already overburdened legislators. The amendment purports to give the legislators additional time to consider proposed bills by eliminating the recess. It further purports to give each legislator more time in which to study and introduce new bills. However, while seemingly beneficial, the effects of the proposed amendment are in reality adverse.

Every legislator has a two-fold duty, i.e., to work honestly, studiously and efficiently in the legislature and to keep the electorate informed. The proposed amendment hinders the performance of these duties in the following ways:

1) The elimination of the recess period would make it more difficult for the legislators and the electorate to study the numerous new bills which had been introduced during the first 30 days of the general session when the bulk of legislation under the present rules must be proposed.

2) The removal of the limitation on the time during which new bills may be introduced would make it extremely difficult for the electorate to know what legislation had been proposed and to advise the legislator representing them of their desires.

3) The removal of this limitation likewise would create a log-jam of bills to be considered by the legislature during the final days of the session. Inevitably, some meritorious proposals would be sidelined and some dubious proposals will gain passage merely because the legislature will be overburdened by a log-jam of bills introduced very late during the session.

We urge a "no" vote on the proposed amendment.

This measure also will add 34 days to the permitted length of the session at considerable unnecessary expense, which we cannot afford.

The Legislature should correct these errors and submit a more careful proposal. Vote No.

RALPH M. BROWN  
Assemblyman, 30th District

NELSON S. DILWORTH  
Senator, 37th Senatorial District

**10** **EMINENT DOMAIN: AIRPORTS AND SCHOOLS. Assembly Constitutional Amendment No. 16.** After commencement of condemnation action, permits court order for taking immediate possession of property to be used for airport purposes by public agency or for school purposes by school district, after 90 days' notice to the owner and after putting up money deposit as directed by the court to secure payment of just compensation to the owner.

YES

NO

(For Full Text of Measure, See Page 12, Part II)

#### Analysis by the Legislative Counsel

Section 14 of Article I of the California Constitution guarantees that private property shall not be taken for public purposes until after just compensation has been paid to the owner, or has been paid into court on his behalf. Section 14 now contains two exceptions, however, which permit immediate possession of private property to be taken by specified public agencies prior to the time compensation has been paid, where rights of way (such as highways) or reservoirs are involved. In such cases the public agency may, immediately after commencement of a condemnation action, take possession of the property sought to be condemned if the agency deposits in court such security in cash as the court requires. This security must be an amount determined by the court to be adequate to secure to the owner just compensation for the taking plus any damages incident thereto, including damages sustained by reason of a decision that there is no need to take the property.

This constitutional amendment would modify Section 14 and extend this right of "immediate possession," to two additional classes of condemnation actions. The two new exceptions would be: (1) any action by a public agency which has the power to construct and maintain an airport to condemn land or a right of way for airport purposes; and (2) any action by a school district to condemn land or a right of way for school purposes. In these two new situations the same requirements would apply as in those cases in which there is now a right to take immediate possession. However, in these two classes of cases, there would be an additional requirement to be met before immediate possession could be taken. At least 90 days prior to the time immediate possession is taken, the public agency must personally serve on, or mail to, the owner of the property and the person in possession of the property either a copy of the court order authorizing immediate possession or such notice of that order as the Legislature prescribes.

In these two new classes of cases, this constitutional amendment would also authorize the

Legislature to establish procedures permitting the withdrawal by the party whose property is being taken of a portion of the security deposit pending the final determination. The Legislature could also provide, in such cases, for the passage of title to the property upon such withdrawal.

#### Argument in Favor of Assembly Constitutional Amendment No. 16

At the present time, many months may elapse between the time of the start of proceedings to acquire property for school sites and the final court action authorizing a school district to take possession of the property for the purpose of schoolhouse construction. During the delay in schoolhouse construction occasioned by the court proceedings, many children may be without adequate schools and limited to half day sessions.

In order to facilitate the acquisition of property for schoolhouse construction, it is proposed to amend Section 14 of Article I of the Constitution. The amendment provides that in any proceedings in eminent domain brought by a school district, the school district may take immediate possession and use of right of way or lands for school purposes pending the final court judgment. This amendment would give school districts the same right that the State, County, City, or other public corporations have in the acquisition of property for highway or reservoir purposes.

Special protections to the interests and rights of the owner and possessor of the property are provided by the following provisions:

1. At least 90 days prior to the time of the possession of the right of way or lands to be used for school purposes, the school district shall personally serve on, or mail to, owners of the property, and the persons in possession of the property, either a copy of the order of the court authorizing such possession or a notice thereof, in such manner as the court may direct or as the Legislature may prescribe.
2. The school district is required to give security in the way of money as may be

rected by the court in which the proceedings are pending. The Legislature is authorized to establish procedures permitting the withdrawal of a portion of the deposit by the party whose property or interest is being taken, pending the final determination of just compensation and for the passage of title to the property.

This proposition will speed up providing school buildings for children in fast growing communities.

This proposition has the support of people interested in good schools throughout the entire State of California.

In the interest of school children, VOTE YES ON THIS PROPOSITION.

CLARK L. BRADLEY  
Assemblyman, 28th District

PATRICK D. MCGEE  
Assemblyman, 64th District

#### Argument in Favor of Assembly Constitutional Amendment No. 16

The second part of the Amendment to Section 14 of Article I of the Constitution extends to public agencies the right of immediate possession of lands for airport purposes. Airports are a part of the air transportation system of this State without which the air transportation system cannot function.

It has been found that a great delay has been caused in proper construction and expansion of our airport facilities due to the inability of public

agencies to acquire within a reasonable time lands needed for such construction and expansion. This amendment would make possible the timely construction of the facilities which are needed so badly in many areas of the State in order to assure the continued growth and strength of our air transportation system.

The protections to the interests, rights of owners and possessors of the property, provided in the amendment, also extend to owners of property which would be affected by immediate possession for airport purposes.

In the interest of a strong system of air transportation, VOTE YES ON THIS PROPOSITION.

STEPHEN P. TEALE  
State Senator, 26th Senatorial District

#### Argument Against Assembly Constitutional Amendment No. 16

You have a right to know that this increases the POWER OF GOVERNMENT.

Under the State Constitution only in two unusual cases, can local or state government gain immediate possession to your property BEFORE A COURT TRIAL.

This amendment extends this dangerous precedent, by permitting schools and airports to use it.

In my opinion, this curtails free enterprise. I'll vote "NO".

SHERIDAN N. HEGLAND  
Member, State Assembly

#### LOCAL STREET AND ROAD BONDS. Senate Constitutional Amendment No. 21.

11 Authorizes laws for issuance and sale of bonds for street and road purposes by counties, cities, and separation of grade districts and providing for repayment of bonds out of distributions of gasoline tax money. Validates Street and Road Bond Act of 1957.

YES	
NO	

(For Full Text of Measure, See Page 13, Part II)

#### Analysis by the Legislative Counsel

Article XXVI of the Constitution now requires that money collected from motor vehicle fuel taxes and from vehicle registration and license fees be expended exclusively and directly for the construction, improvement, repair, and maintenance of public streets and highways.

This constitutional amendment would add Section 5 to Article XXVI and would authorize the Legislature to provide for the issuance and sale of bonds by counties, cities, and cities and counties, or separation of grade districts, for street and road purposes. In such case the principal and interest on the bonds, and the expenses incurred in their issuance and sale, would be repaid from money collected from motor vehicle fuel taxes. This could not be done under the present wording of Article XXVI since the tax funds would not be devoted "exclusively and directly" to highway purposes.

The amendment would also validate the Street and Road Bond Act of 1957, enacted by Chapter 2047 of the Statutes of 1957. This act authorizes the issuance of bonds by counties and cities for street and highway purposes, including grade separations. Principal and interest on these bonds would be payable from revenues received from the State for expenditure on county roads and city streets, including money otherwise subject to the restrictions of Article XXVI of the Constitution.

#### Argument in Favor of Senate Constitutional Amendment No. 21

VOTE YES!

YOUR FAVORABLE VOTE ON PROPOSITION NO. 11 WILL REDUCE PROPERTY TAXES.



YOU WILL relieve pressure on counties and cities to submit general obligation bond issues to the voters for road and street purposes.

YOU WILL enable counties and cities to pledge a small portion of their annual highway user tax allocation to alleviate existing congestion on critically deficient roads and streets.

YOU WILL greatly reduce the alarming number of traffic accidents occurring on deficient and congested streets and roads.

YOU WILL prevent the diversion of the proceeds of such bonds for any purpose other than improvement of streets and roads to standards approved by the State Department of Public Works.

Your vote for Proposition No. 11 will help relieve the pressure of today's burdensome property taxes. More than 70% of the taxes now expended by cities on city streets come from property taxes and other non-highway user or gasoline taxes, and less than 30% from gasoline or highway user taxes. More than 30% of county expenditures on county roads is made from local or non-gasoline tax revenue. Your homes are now mortgaged to pay many millions of dollars of general obligation bonds issued by counties and cities to improve streets and roads.

Proposition No. 11 will permit the pledging of not to exceed 25% of county and city gasoline taxes by counties and cities for the payment of principal and interest on bonds issued to provide funds with which to improve now the most critically deficient and congested streets and roads. This small mortgage on a small share of the gasoline taxes is far better than a large tax mortgage on your home or place of business!

It will take cities more than 30 years, using current revenue, to bring today's streets up to today's needs, and it will take counties 15 years to accomplish the same objective. Counties and cities just cannot take 15 or 30 years to accumulate sufficient funds to undertake projects which will meet today's traffic requirements. These improvements, including many grade separation projects, must be undertaken immediately. The home and business owner should not be called upon to pay a major share of the costs of these projects which will benefit the motorists. All funds derived from the sale of bonds secured by the gasoline tax must be used for street and road purposes, and diversion of such funds for any other purpose is prohibited by the proposed Constitutional Amendment.

VOTE YES TO IMMEDIATELY IMPROVE  
YOUR STREETS AND ROADS BY USING GAS-  
OLINE RATHER THAN PROPERTY TAXES.

RICHARD J. DOLWIG  
State Senator, San Mateo County

PAUL L. BYRNE  
State Senator, Butte County

#### Argument Against Senate Constitutional Amendment No. 21

While on the surface this proposed amendment appears merely to provide for easier financing of city and county roads, it actually, for the first time in the history of the State, makes it constitutionally possible for gas tax moneys to be used to meet the costs of grade separations heretofore properly borne by the railroads. As the United States Supreme Court has observed in a similar situation, the railroads have brought about the necessity of grade separations where railroad tracks are involved. It is only reasonable that they should bear a fair share of the costs. Previously they have usually borne 50 percent of such costs. However, legislation passed in 1957 substantially reduced their contribution. This amendment would make it possible to eliminate it altogether and to make grade separation costs payable from gas tax funds. Our gas tax dollars should be used to improve the roads of the State, not to relieve railroads of their fair share of road expenses.

This amendment would render inflexible our system of allotments of gas tax funds to counties, since any future readjustment which would involve a decrease in the allotment to any county would, to that extent, violate the United States and California Constitutional prohibitions against impairing the obligations of contracts with purchasers of grade separation district bonds. It is important that our system of financing roads be maintained flexible if we are to properly meet the expanding transportation needs of the State.

This is not the first time attempts have been made to secure the adoption of these provisions. Your Legislature has had similar amendments before it no less than 15 times in the last seven years; and it has consistently refrained from endorsing any of them. There is far less reason for endorsement now.

I respectfully urge your "No" vote on Senate Constitutional Amendment No. 21.

J. WILLIAM BEARD  
Senator

**LEGISLATOR AS NOTARY. Assembly Constitutional Amendment No. 72.** Permits member of Legislature to become notary public.

19

YES	
NO	

(For Full Text of Measure, See Page 13, Part II)

**Analysis by the Legislative Counsel**

This constitutional amendment would amend Section 19 of Article IV of the Constitution to permit a legislator to hold or accept the office of notary public during the term for which he was elected to the State Legislature.

Section 19 of Article IV of the Constitution presently prohibits a member of the State Legislature from holding or accepting any office, trust, or employment under the State, except an office filled by election of the people. This prohibition operates during the entire term for which the legislator was elected, and cannot be avoided during that period by resignation or otherwise. Notaries public are appointed and commissioned by the Governor (Gov. C., Sec. 8200). The Supreme Court of California has stated that a notary public is an officer of the county for which he has been appointed, and that a county office constitutes a civil office of profit under this State (*Emeric v. Alvarado*, 90 Cal. 444; *Searcy v. Grow*, 15 Cal. 117). Consequently, under the present provision a member of the State Legislature cannot hold or accept the office of notary public during the term for which he was elected.

The amendment would permit this and it would permit both offices to be held simultaneously.

**Argument in Favor of Assembly Constitutional Amendment No. 72**

The purpose of this proposed amendment is to allow a member of the State Legislature to be a Notary Public if he has need to be one. Due to a technical interpretation of Article IV, Section 19, of the Constitution, members of the Legislature upon their election to office must surrender their Notary Public commission. It would be a great convenience to the public if Members of the Legislature could notarize documents. The proposed amendment would simply correct this technicality. There is no conflict of interest involved

in any way. We urge a "Yes" vote for this measure.

CLARK L. BRADLEY  
Member of Assembly, 28th District  
RALPH M. BROWN  
Member of Assembly, 30th District

**Argument Against Assembly Constitutional Amendment No. 72**

The State Constitution NOW provides that no Senator or Member of the Assembly shall, during the term for which he shall have been elected, hold or accept any office, trust or employment under this state, except an office filled by election by the people.

**THIS PROPOSED CONSTITUTIONAL AMENDMENT WOULD ALLOW A MEMBER OF THE STATE LEGISLATURE TO BE APPOINTED A NOTARY PUBLIC.**

This amendment should be defeated for the following reasons:

1. There have been appointed in California THOUSANDS of Notaries Public. There has not been a shortage of them. There are 120 members of the Legislature. The State Constitution should NOT be changed just to allow those members of the Legislature to receive an appointment from the Governor as a Notary Public.

2. It has been a tradition that a member of the Legislature should NOT be appointed to another office during the term for which he was elected, except an office filled by election by the people. Why should an exception be made NOW?

If this amendment is adopted, then perhaps other exceptions will be made in the future!

Vote NO on this constitutional amendment!

JOHN M. HANLEY  
800 University Avenue, Palo Alto  
Notary Public in and for the  
County of Santa Clara,  
State of California

**13 SUPERINTENDENT OF PUBLIC INSTRUCTION. Senate Constitutional Amendment No. 2.** Makes office of Superintendent of Public Instruction appointive, instead of elective, after 1962. Confers appointing power on State Board of Education, subject to confirmation by State Senate.

YES	
NO	

(For Full Text of Measure, See Page 13, Part II)

**Analysis by the Legislative Counsel**

Under Section 2 of Article IX of the California Constitution, the Superintendent of Public Instruction is now elected to office each four years at the same time the Governor is elected. He takes office the first Monday after the first day of January following his election.

This constitutional amendment would provide that, after the expiration of the term of the person elected to the office of Superintendent of Public Instruction in 1958, the office shall be filled by appointment. The appointment is to be made by the State Board of Education with the advice and consent of the Senate, and the first such appointment would be made in January, 1963. Under Section 16

of Article XX, the office would be held at the pleasure of the Board of Education, unless the Legislature prescribes a term of office not to exceed four years.

The amendment would also delete obsolete language relating to the salary of the Superintendent, which was superseded in 1944 by the adoption of Section 22 of Article V.

#### Argument in Favor of Senate Constitutional Amendment No. 2

#### VOTE "YES" ON PROPOSITION NO. 13 AND IMPROVE OUR SCHOOLS

Proposition No. 13 corrects the present law and fixes the full responsibility for sound educational programs for our children with the Governor.

Under present law the Governor must appoint a State Board of Education which has the responsibility for establishing the educational policies of our state but the law does not provide any staff for this board to carry out the policies it determines.

Proposition No. 13 will remedy this oversight and provide the State Board of Education with the authority and personnel to make effective its policy determination.

Proposition No. 13 will bring the method of selection of the Superintendent of Public Instruction into conformance with the method of selection of school district superintendents throughout the state by requiring the State Board of Education to appoint the Superintendent of Public Instruction the same as local school boards appoint district superintendents, with the added protection to the public of confirmation by the Senate.

Proposition No. 13 is endorsed by leading educators including the California School Administrators Association.

Vote "YES" on PROPOSITION NO. 13 and improve our educational system.

GEORGE MILLER, JR.,  
State Senator

ERNEST R. GEDDES,  
Member of Assembly  
49th Assembly District

#### Argument Against Senate Constitutional Amendment No. 2

The State Superintendent of Public Instruction has always been one of the constitutional officers elected by the people. The framers of our Constitution quite properly felt that this office was so important that it should be filled by popular election. Thus, under our democratic system, we have for more than 100 years preserved the right of the citizens to pass judgment on anyone seeking this highest of educational offices in the state.

Senate Constitutional Amendment 2 proposes to do away with the traditional method of electing the State Superintendent. It would abandon the system under which any citizen can now seek the job and would place in the hands of the State Board of Education the responsibility of selecting the Superintendent, subject to confirmation by the Senate.

Inasmuch as members of the State Board of Education are appointed by the Governor for terms of four years, this method could lead to domination of the State Superintendent by the Governor or even by special interests.

If the appointment of the Superintendent were to be vested in the Board, the terms of the Board members should be lengthened and staggered to prevent any one Governor from gaining complete control of the Board and of its subsequent appointments. Otherwise it would be unwise to have the Board name the Superintendent.

The argument is made that this constitutional amendment merely utilizes at the state level the same system of having a lay board select a professional educator long used in choosing superintendents for local school districts. While true it does not in itself assure the selection of a competent person for the job.

The present system has worked well for more than 100 years and no convincing case has been made to indicate that any change should be made at this time.

If you are going to appoint a State Superintendent of Schools, why not make all other state officials appointive too.

NATHAN F. COOMBS  
Senator for Napa County

HUGH P. DONNELLY  
Senator for Stanislaus County

#### COMPENSATION OF LOCAL OFFICERS. Senate Constitutional Amendment No.

**14** **29.** Eliminates prohibition against increasing compensation of county, township or municipal officers after their election or during their terms of office. Permits Legislature to classify counties by other factors, in addition to population, when setting salaries of supervisors, district attorneys and auditors.

YES

NO

(For Full Text of Measure, See Page 13, Part II)

#### Analysis by the Legislative Counsel

Section 5 of Article XI prohibits an increase in the compensation of any county, township or municipal officer after his election or during his term of office. It also provides that this prohibition may be suspended by a two-thirds vote of the members of each house of the Legislature during any period when the United States is en-

gaged in war and for one year after the termination of hostilities, as proclaimed by the President.

This constitutional amendment would amend this section by deleting the provision which prohibits such increases in compensation and by deleting the provision for suspending the prohibition during time of war.

Under Section 5 of Article XI, the Legislature is required to regulate the compensation of boards of supervisors, district attorneys and auditors in counties which have not adopted the charter form of county government. The section also provides that the Legislature may classify the counties by population for the purpose of regulating the compensation of such officers. This constitutional amendment would provide that the Legislature may, but is not required to, classify the counties by other factors as well as by population for the purpose of regulating the compensation of these officers.

#### **Argument in Favor of Senate Constitutional Amendment No. 29**

Generally, the State Constitution prohibits an increase in the salaries of most elected and some appointed public officials during their terms of office. However, some elected public officers, such as County Superintendent of Schools and Superior Court Judges may have their salaries increased during their terms of office. In addition, deputies and assistants to county officers, and the county administrative officer, purchasing agent, director of public works, health officer, probation officer and county welfare director are appointive, but do not have fixed terms, and therefore are excluded from the prohibition. Thus, persons holding these positions benefit immediately when a general across-the-board salary increase, approved by the board of supervisors, takes effect. Although salaries may be increased for certain other elective and appointive positions at the same time, the persons serving in these positions do not benefit from the raise until they are re-elected or reappointed to a new term of office. This means a delay of from one to four years for such positions as the sheriff, assessor, public administrator, agricultural commissioner, treasurer, tax collector, recorder and others.

For example, suppose that a board of supervisors grants salary increases for the positions of sheriff and county welfare director effective July 1, 1959. The welfare director will begin earning a higher salary on that date. But the sheriff will have to wait until he is re-elected and begins a new term in January, 1963. If he is not re-elected, his successor (usually someone with no previous experience in the post) will get the increase.

This is further illustrated by the manner in which the prohibition affects county boards of supervisors. Almost all boards consist of five members. They are elected to serve staggered four year terms. Every two years either two or three members are up for re-election. Whenever the Legislature approves a salary increase for the board, those supervisors who are elected or re-elected at the next General Election will get the increase. This causes the illogical and unfair situation whereby the members of the same board

are paid different salaries. The present prohibition even makes it possible for a new supervisor to get a higher salary than at least two other members of the board the moment he takes office.

In respect to salaries of county supervisors, district attorneys, and auditors, which are still regulated by the Legislature, the proposed amendment would allow the Legislature, if it deems necessary, to classify the counties by factors, other than by population, for such purpose, and would permit salaries to be fixed on a more realistic basis than at present. For example, the basis could be the volume of work done by the officer. The population of a county alone is obviously no indication of how much an officer of that county should be paid.

It is time for these outmoded provisions to be changed: Vote "Yes" on this proposition in the interests of better government.

**JAMES E. "JIM" BUSCH**

State Senator—4th Senatorial District

**ALAN SHORT**

State Senator—20th Senatorial District

#### **Argument Against Senate Constitutional Amendment No. 29**

The most important objective of this measure is to enable the Legislature to increase the salaries of County officials during their term of office by a simple majority vote. These local officials know what the salary is when they become candidates for the office. They should serve out their term without running to the Legislature for increase in their salary at the expense of the taxpayers. Vote No.

At present, when the Legislature increases local salaries, the increases do not take effect until after the expiration of the term, and a new election has taken place which is as it should be.

During the war, the Constitution provided that the Legislature could increase local salaries during their term of office and very extensive and costly increases were voted. It is hard for the Members of the Legislature to resist pressure from County officials at home. There is a policy in the Legislature to let each Member say what action will be taken on the salary bill for his county.

There is no need for this Constitutional Amendment. The present system works more in the interest of the people than this proposal will. Vote No and save your hard earned tax dollars.

Candidates should not run for an office, if they do not like the pay and if they intend to harass the Legislators for an immediate increase. Vote No.

**NELSON S. DILWORTH**

Member of the Senate

Thirty-seventh Senatorial District

(For Full Text of Measure, See Page 14, Part II)

**Analysis by the Legislative Counsel**

This measure would repeal Section 413½ of the Penal Code, an initiative measure adopted in 1914. That section makes it a misdemeanor to participate in, hold, conduct, or attend boxing exhibitions held on Memorial Day (May 30) or Sundays. If adopted by the people, this measure would permit the holding of boxing exhibitions on those days.

Under Article IV, Section 1, of the California Constitution, an initiative act adopted by the people cannot be amended or repealed except by a vote of the electors, unless otherwise provided in the initiative act. No provision for amendment or repeal is contained in the 1914 initiative act.

**Argument in Favor of Repeal of Initiative Measure**

Vote "Yes" on Proposition No. 15 and protect your liberties.

America is the symbol of liberty to all men.

It is a country of religious liberty, not merely religious toleration. Every person is entitled to worship or not worship according to the dictates of his own conscience. This is guaranteed by the First Amendment to the Constitution.

Whenever the law undertakes to compel observances required only by a particular creed it becomes tyrannical and destructive of this fundamental principle of American liberty.

For the rights of the minorities are also guaranteed by the Constitution.

The imposition of a Sunday Law is a direct attack upon these guarantees.

Sunday is a day of worship for many persons, but not for all. There are substantial segments of the population who observe a day other than Sunday. There are those who observe no day. This is their right guaranteed by the Constitution.

The sponsors of this measure were surprised to find a Sunday "Blue Law" on the statutes of an enlightened state like California.

Lawmakers in many other states having Sunday Laws must have had their doubts as to their right to legislate on purely religious matters since they exempted those whose religious beliefs did not name Sunday as the Sabbath. The California Law sought to be repealed here does not grant exemptions for this purpose and imposes Sunday upon all.

The sponsors of this measure hold no brief for commercial boxing or wrestling and would support legislation outlawing the same on grounds of inhumaneness. But we cannot condone a law which prohibits on Sunday that which is lawful every other day.

We view such legislation as an opening wedge by those who would impose upon all the people laws

not dictated in behalf of the public health and safety but only by the religious beliefs of particular groups.

To permit the outlawing of some sports on Sunday simply leads to the prohibition of others to the end that no activity on Sunday other than going to the church of certain creeds would be permitted.

That this view is fact and not fantasy is established by the existence of Sunday laws in a few other states which prohibit hunting, cardplaying, moviegoing, baseball, basketball, football, hockey, golf, skating, ski activities, bowling, billiards, music concerts, dancing, and fishing.

The state has no more right to compel leisure than it would have to compel labor. Compulsory labor would be slavery. To attempt to legislate a day of leisure is no less a violation of human rights. And compulsory religious rest is religious tyranny.

A "Yes" vote on Proposition No. 15 upholds the Constitution and preserves religious liberty and the rights of all persons.

GEORGE MILLER, JR.  
State Senator, Contra Costa County  
STEPHEN P. TEALE  
State Senator, Tuolumne, Calaveras  
and Mariposa Counties

**Argument Against Repeal of Initiative Measure**

Constitutional recognition of the Sabbath as a day of worship and rest is a well established American tradition and attitude. Far from imposing any religious standard, it has taken the form of limiting certain activities on this day. These limitations have been imposed in many instances by the people themselves through proposals for and approval of constitutional provisions or through initiative measures, as is the case in California.

In recognition of changing conditions, certain of the limitations have been removed over the years. These, however, have been modifications largely in the interest of public health, safety or welfare rather than in the interests of commercialism or recreation.

The fact that certain other types of athletic exhibitions are not prohibited on Sunday provides no argument for amending the Constitution to legalize boxing on this day. In fact, to adopt this measure, on the sole basis that other athletic events are legal on Sunday, will go far toward eliminating any constitutional recognition of the Sabbath.

There is no evidence which has been submitted, or can be submitted, to demonstrate that the status of boxing is impaired by the absence of authority to exhibit on Sunday, or that the health, safety or general welfare of the State requires that authorization be given.

As a practical matter, boxing has developed as an evening event. To justify the legalization of Sunday boxing on the basis that additional revenue would accrue to the State or that additional profits would be made, is to ignore the experience of other states and to place an unwarranted value on the sport. California, even under Sunday closing, leads all

other states in the number of boxing and wrestling events held annually. Moreover, of the six states which lead in this activity, five still retain Sunday closing provisions.

JAMES A. COBEY  
State Senator, 24th Senatorial District

**TAXATION OF SCHOOL PROPERTY OF RELIGIOUS AND OTHER NONPROFIT ORGANIZATIONS. INITIATIVE CONSTITUTIONAL AMENDMENT.**

16

Amends Section 1c of Article XIII of the State Constitution by providing that the property authorized by said section to be exempted from taxation shall not include any property used or owned, directly or indirectly, in whole or in part, for any religious or other school or school purposes of less than collegiate grade, unless such property shall be used, owned and held exclusively for the blind, mentally retarded or physically handicapped. Does not affect exemptions granted by other sections of the Constitution.

YES

NO

(For Full Text of Measure, See Page 15, Part II)

**Analysis by the Legislative Counsel**

This initiative measure would amend Section 1c of Article XIII of the California Constitution, which authorizes the "welfare exemption." As added to the Constitution in 1944, Section 1c authorized the Legislature to exempt from real property taxation property used exclusively for religious, hospital, scientific, or charitable purposes. In 1952 the electors approved Chapter 242 of the Statutes of 1951, which extended this welfare exemption to the property of private schools of less than collegiate grade. (See Revenue and Taxation Code, Sec. 214; upheld in *Lundberg v. County ofameda* (1956), 46 Cal. 2d 644, appeal dismissed (1956), 352 U. S. 921.)

This initiative constitutional amendment would restrict the welfare exemption by eliminating from the class of property to which Section 1c applies the property of private schools of less than collegiate grade. It would thus eliminate the tax exemption for such property presently available under Sections 214 and 214.5 of the Revenue and Taxation Code.

The amendment would not affect tax exemptions for property used, held and owned exclusively for handicapped persons, nor would it modify any current exemption granted directly by the Constitution, including the exemptions now extended to the property of public schools, colleges, churches, orphan asylums and veterans.

**Argument in Favor of Initiative Proposition No. 16**

**VOTE YES ON PROPOSITION 16!** Will repeal exemption of undercollegiate private school property. Over 90% are schools under religious control. One sect has 90% more attendance than all the rest combined.

**VOTE YES! STOP VIOLATION OF AMERICAN SEPARATION BETWEEN CHURCH AND STATE.** Tax exemption is an indirect public subsidy. Parochial schools teach sectarian doctrine; and, one sect at least, opposition to church-state separation. Its high school book, "Living Our Religion," teaches its students:

"THE CHURCH IN THE UNITED STATES: In this country the church has flourished to such a degree that we may be inclined to think that separation is a satisfactory and workable plan. The Church holds that this is still a compromise and that the condition is the lesser of two evils." (Page 247.)

**VOTE YES! STOP DIVERSION OF PUBLIC FUNDS TO PRIVATE PURPOSES.** Parochial schools, as so-called non-profit organizations, have private, not public, purposes. The parochial book teaches:

"COUNTERFEIT RELIGIONS: The material, size, and shape of the paper and metal money in the United States is determined and authorized by the government. No other money is legal tender, and any other agency issuing such money is guilty of counterfeiting. In the same way, non-Catholic methods of worshipping God must be branded counterfeit." (Page 112.)

**VOTE YES! STOP SUICIDE OF PUBLIC SCHOOL SYSTEM.** If one sect does not get the monopoly it seeks, then each of 256 American sects would start its own school. End result would divide our children and cripple the symbol of our democracy—your public schools.

The parochial book teaches opposition to public schools and demands monopoly for its sect on all education!

"The Church is opposed to attendance at non-Catholic schools . . ." (Page 55.)

"In the words of Pope Pius XI: 'It is evident that both by right and in fact the mission to educate . . . belongs to the Church.' " (Page 237.)

**VOTE YES! REPEAL OBNOXIOUS LAW.** It provides no public control over parochial schools; no provision against teaching sectarian doctrines or using sectarian books; no uniform application; no limitation of exemption possible; no requirement that sects or schools reveal resources or need. The people never enacted law as such. It was engrafted by implication in Courts, reversing California's one hundred year policy against such

exemptions. California is the only state with such unjust, uncontrolled exemption base to feed and foster unfair competition against public schools.

**VOTE YES! SHUT FLOOD GATES TO PAROCHIAL SCHOOL EXPANSION AT YOUR EXPENSE.** Assessed value of private school property off tax rolls since passage of law has grown from \$14 millions in 1953 to over \$53 millions in 1957. A five year increase of 278%! What a future! You pay additional tax burden.

Existing public schools could accommodate all parochial school children with about two more in each classroom. But parochial school sects choose their church schools, **SO THEY SHOULD PAY THE COST THEMSELVES!**

**VOTE YES! REAL ISSUE IS PRESERVATION OF AMERICAN FREEDOMS.**

TULLY C. KNOLES, Educator  
Stockton

DOROTHY H. ROGERS  
San Francisco

JOHN A. OWEN, President,  
Californians For Public Schools  
Los Angeles

#### **Argument Against Initiative Proposition No. 16**

##### **SIX GOOD REASONS TO VOTE AGAINST PROPOSITION NO. 16:**

###### **VOTE "NO" BECAUSE:**

1. It will raise your taxes.
2. It will over-load public schools, forcing more children into half day sessions.
3. It punishes Protestant, Catholic and Jewish schools.
4. It is un-American—no State taxes schools.
5. It rejects the historic principle of tax free education.
6. It is condemned by both political parties and the AFL-CIO.

BERT W. LEVIT  
Immediate Past President,  
San Francisco Board of Education;  
Immediate Past President,  
California School Boards  
Association

#### **Argument Against Initiative Proposition No. 16** **PROPOSITION NO. 16 RAISES EVERYONE'S TAXES—VOTE "NO"**

Proposition No. 16 would impose a punitive tax on nonprofit elementary and high schools. Its purpose is to curtail their enrollment and force many to close. Either result would raise YOUR taxes by shifting to the State part of the tremendous cost of educating California's 340,000 nonprofit school students.

State Controller Kirkwood reports that nonprofit schools, by absorbing the total cost of educating these students, **REDUCE PUBLIC SCHOOL TAXES \$118,000,000 ANNUALLY—\$346 a year for every student enrolled.**

Parents of children attending California's 390 Protestant, 643 Catholic and 43 Jewish and non-

#### **sectarian schools ALSO PAY THEIR FULL SHARE OF PUBLIC SCHOOL TAXES.**

This measure would force EVERY school district to build MORE classrooms and hire MORE teachers to educate the thousands of children taught—in subjects prescribed by the State Education Code—WITHOUT ONE CENT OF STATE SUPPORT.

It would overthrow a law passed 108 to 3 by the Legislature, signed by Governor Earl Warren, confirmed by vote of the people, and upheld by BOTH the California and U.S. Supreme Courts.

Despite these verdicts, repudiated promoters of Proposition No. 16 seek to deceive the voters by again raising the OUTLAWED claim that tax exemption—totaling less than \$2,000,000—is a "subsidy." They masquerade as "Californians for Public Schools," but have NO CONNECTION with public schools. Their hidden goal is TO TAX ALL RELIGIONS AND ALL CHURCHES.

Proposition No. 16 is condemned by public school administrators, who welcome nonprofit schools as partners in education; by over 4,500 clergymen of all faiths; by Attorney General Brown, U.S. Senator Knowland, Republican and Democratic Parties, and the AFL-CIO.

This scheme would extract multi-million dollar annual tribute from ALL taxpayers to finance its unworthy, un-American aims. Vote "NO".

JUSTUS F. CRAEMER  
State Chairman, Citizens United  
Against Taxing Schools  
President, California Press Association,  
Past President, California Newspaper  
Publishers Association

#### **Argument Against Initiative Proposition No. 16**

##### **DEFEND AMERICAN PRINCIPLES—**

###### **VOTE "NO" ON NO. 16:**

Over 2,000 Protestant ministers of all denominations ask for an overwhelming "NO" vote on Proposition No. 16 to prevent a dangerous departure from American tradition. Our Protestant founding-fathers decreed that we don't tax schools any more than we tax churches or hospitals. Honored by all 48 states, upheld by the California and U.S. Supreme Courts, tax exemption for religious-sponsored schools obviously does not violate the separation of Church and State.

Proposition No. 16 threatens religious and educational freedom. Its logic leads inescapably to eventual taxation of all church institutions—colleges, homes for children and the aged, welfare agencies—even churches and Sunday Schools.

This is no time to penalize any school. Right now all education—public and private—deserves strong and sympathetic encouragement from every citizen. An overwhelming "NO" vote on Proposition No. 16 will defeat an unjust and discriminatory tax while upholding religious and educational liberty.

THE REV. KENNETH W. CARY  
Chairman, "Protestants United  
Against Taxing Schools",  
Representing the Episcopal Diocese  
in California

17	<b>STATE SALES, USE, AND INCOME TAX RATES. Initiative.</b> Reduces sales and use tax rate from 3 to 2 percent. Changes income tax rates (now ranging from 1 percent on incomes under \$5,000 to 6 percent on incomes over \$25,000) to new range of $\frac{1}{2}$ percent on incomes under \$5,000 to 46 percent on incomes over \$50,000. Legislature may lower but not increase sales and use tax rates. Income tax rates may be changed only by vote of electors. Sales and use tax rate changes effective January 1, 1959. Income tax rate changes effective after December 31, 1957.	<b>YES</b>	
		<b>NO</b>	

(For Full Text of Measure, See Page 15, Part II)

#### Analysis by the Legislative Counsel

This initiative measure would amend the Revenue and Taxation Code so as to reduce the rate of the state sales tax and state use tax from three percent to two percent.

It would also change the state personal income tax rates, which now range from one percent on incomes of \$5,000 and less, to six percent on incomes over \$25,000. The new rates would range from one-half of one percent on incomes of \$5,000 and less, to 46 percent on incomes over \$50,000.

The measure would permit the Legislature to make further reductions in the sales and use tax rates, but would prohibit any increases in such rates by the Legislature. It would permit income tax rates to be changed in the future only by a vote of the people.

The sales and use tax rate changes would be effective January 1, 1959; the income tax rate changes would be applied to taxes for taxable years beginning after December 31, 1957.

#### Argument in Favor of Initiative Proposition No. 17

Almost two-thirds of California's general fund revenues come from the state sales tax, which forces low-income families to pay a tax burden at least 150% greater than high-income families and the wealthy. Is this fair and equitable taxation?

Proposition 17 speaks for justice in taxation. It proposes a modest shift of about 11% of the total general fund tax burden on an "ability to pay" basis, giving tax relief to better than 90% of California's over-burdened taxpayers and requiring a justifiable increase on the wealthy upper 10%, who because of the sales tax are now escaping their fair share of taxes.

This is accomplished by (1) reducing the state sales tax from 3% to 2%, and (2) revising the state income tax schedule to cut the tax of individuals with taxable incomes below \$9,167 and married couples below \$18,335, while increasing the tax paid by the wealthy with incomes above these amounts.

Proposition 17 adequately protects the revenue position of the state. State Franchise Tax Board estimates, based on 1956 personal income statistics and adjusted for increases since then, show that greater revenues from the revised income tax would offset losses from the sales tax cut within a margin of less than 1% of present general fund revenues.

At the same time, Proposition 17 would add approximately \$70,000,000 to \$90,000,000 in badly needed purchasing power to California's economy. This addition would result because most of the increased state taxes to be paid by the wealthy

few would be deductible from federal tax filings. Official state estimates show that, in fact, 68% would be deductible. Thus, these wealthy few would pay a real, out-of-pocket increase amounting to only a small fraction of what the opponents of Proposition 17 would have the public believe.

The campaign against this sound and equitable proposal has produced every trick known by political hucksters to deceive the people and trick them into thinking the measure is against their best interests.

In arguing that it will cause budget problems, opponents are trying to blame this Proposition for the fact the Legislature must face a major deficit next year equaling at least 18% of General Fund revenue. This deficit has nothing to do with the initiative. They know this, but oppose Proposition 17 because it assures taxpayers that the existing deficit problem will be met in a fair and equitable manner. The higher income groups want to maintain their present preferred position at the expense of low- and middle-income groups.

The opponents are also trying to hide behind school children, claiming the measure would endanger state school apportionments. This is a blatant misstatement. Proposition 17 could not possibly affect in any way, shape or form, the large state appropriations being made in support of public schools, because the State Constitution gives schools an absolute first priority on all General Fund revenues.

Vote for tax equality in California. Vote Yes on Proposition 17.

MRS. ANNE DIPPEL

MRS. HAZEL DAVIS

Co-Chairmen, Citizens Committee  
for Tax Equality

C. J. HAGGERTY

Secretary-Treasurer, California  
State Federation of Labor

#### Argument Against Initiative Proposition No. 17

Don't throw a "monkeywrench" in the machinery of State Government!

Don't wreck the financial structure of California's public schools, State colleges, welfare programs, hospitals and institutions!

Don't undermine California's Veterans' Farm and Home Loan Program!

Don't jeopardize job opportunities in California!

Emphatic opposition to Proposition 17 has been voiced by both Republican and Democratic candidates for Governor.

Vote NO on Proposition 17. This totally reckless and irresponsible initiative amendment would re-



duce State tax revenues by at least \$50 million and within 5 years by more than \$200 million annually.

This year California has remained solvent only by using most of its reserves. Proposition 17, if passed, would force a drastic reduction of State services.

The Proposition would cut the State sales tax from 3% to 2%, resulting in an annual loss to the State General Fund of over \$200 million.

Proposition 17 also would change State income tax rates from the present range of 1% to 6% to a new range of  $\frac{1}{4}$ % to 46% making California by far the highest income tax state in the nation. Based on the same total taxable income reported last year, State income tax collections would increase by \$164 million. But the fantastic rates on higher bracket incomes would drive many people and businesses out of California. Indeed, under some circumstances, State plus Federal income taxes could exceed an individual's total annual income! The measure would create a very unfavorable "business climate" in California and would make it difficult to attract new industries and to create new jobs for our increasing population.

At the lower end of the income tax rate range, collections would be decreased by \$33 million. Thus, depending on the entirely unpredictable effects of this portion of the tax bill, the total increase in State income tax collections might not result in any appreciable offset against the huge loss in State sales tax revenues.

Revenue losses caused by Proposition 17 would seriously cripple programs for mental hospitals and assistance to needy children, aged and blind. The State's share of support for our public schools would have to be curtailed, thus placing a greater

share of the burden on local property taxpayers; homeowners and farmers could expect huge property tax hikes. The State, for the first time since 1911, would be faced with the need to levy a statewide ad valorem tax on property for general State purposes.

Proposition 17 would have an immediate impact on the State's credit and its ability to sell State bonds, jeopardizing the Veterans' Farm and Home Loan Program, the State Grant and Loan Program for Public School Construction, and the Program for Construction of State Colleges, Universities, and Mental Hospitals.

Groups and organizations interested in schools and public welfare vigorously oppose Proposition 17. Business organizations concerned with the financial stability of the State oppose Proposition 17.

All citizens interested in their own economic welfare will vote NO on Proposition 17.

#### CALIFORNIA FARM BUREAU FEDERATION

By RICHARD W. OWENS,  
Secretary-Treasurer

#### CALIFORNIA STATE CHAMBER OF COMMERCE

By JAMES MUSSATTI,  
General Manager

#### CALIFORNIA TEACHERS ASSOCIATION

By ARTHUR F. COREY,  
State Executive Secretary

### 18 EMPLOYER-EMPLOYEE RELATIONS. INITIATIVE CONSTITUTIONAL AMENDMENT.

Adds Section 1-A to Article I, State Constitution. Prohibits employers and employee organizations from entering into collective bargaining or other agreements which establish membership in a labor organization, or payment of dues or charges of any kind thereto, as a condition of employment or continued employment. Declares unlawful certain practices relating to membership in labor organizations. Provides for injunction and damage suits against any person or group for violation or attempted violation. Preserves existing lawful contracts but applies to renewals or extensions thereof. Declares that section is self-executing. Defines "labor organization."

YES

NO

(For Full Text of Measure, See Page 20, Part II)

#### Analysis by the Legislative Counsel

This initiative measure would add Section 1-A to Article I of the Constitution.

The measure states that all men should be free to elect voluntarily whether to join or not to join a labor organization. It declares it to be the public policy of California that the right of persons to work shall not be denied or abridged because of membership or nonmembership in any labor organization.

Any agreement or combination between an employer and a labor organization whereby nonmembers of the labor organization are denied the right to work for the employer, or whereby membership in the labor organization is a condition of employment or continuation of employment, would be against public policy.

Employers would be prohibited from requiring any person, as a condition of employment or continuation of employment, (1) to become or remain a member of a labor organization, or (2) to refrain from membership in a labor organization, or (3) to pay dues, fees, or any other charges to any labor organization. Any person denied employment, or deprived of continuation of employment, in violation of this prohibition would be entitled to recover from his employer and from any other person, firm, corporation, association, or labor organization acting in concert with the employer, such damages as he might have sustained plus reasonable attorney fees.

All persons, firms, associations, corporations, and labor organizations would be prohibited from causing, or attempting to cause, an employer to violate any provision of the measure.

Any employer, person, firm, association, corporation, or labor organization injured as a result of any violation or threatened violation of any provision of the initiative measure, or threatened with such violation, would be entitled to injunctive relief against the violators or persons threatening violation, and also would be entitled to recover all damages resulting therefrom.

The initiative measure would not be applicable to lawful contracts in force on the effective date of the measure, but would be applicable to any renewal or extension of an existing contract.

The measure provides that its provisions are not to be construed as denying the right of an employee to be represented in collective bargaining by a labor organization.

The measure would permit the enactment of legislation not in conflict with the measure to facilitate its operation.

A "labor organization" is defined as any organization, agency, or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

#### Argument in Favor of Initiative Proposition No. 18

"All men should be free to elect voluntarily whether to join or not to join a labor organization. The principle of voluntary unionism provides a safeguard against the abuses which result from monopoly control of employment." This clearly states the full intent of Proposition 18, which was sponsored by union members who believe in honest unionism.

Vote "YES" for Proposition 18 to protect wage earners against unfair practices by unscrupulous employers or union officers.

Vote "YES" for Proposition 18 to make union membership voluntary instead of compulsory.

Vote "YES" for Proposition 18 to write a guarantee of labor's right to organize and to bargain collectively into the State Constitution.

Vote "YES" on Proposition 18 to guarantee greater democracy in labor union elections and make union officers more responsible to the wishes of union members.

Vote "YES" on Proposition 18 to prevent any more Dave Beck type thefts of union funds and Jimmy Hoffa union tactics.

Vote "YES" on Proposition 18 to insure sound and healthy industrial economy by strengthening the bargaining power of unions freely joined by free men.

Vote "YES" on Proposition 18 to stabilize wages, protect fringe benefits and pension funds and raise employment standards.

Vote "YES" on Proposition 18 and support the principle of freedom of choice guaranteed in the United States Constitution and the United Nations Code, and endorsed by Franklin D. Roosevelt, Dwight D. Eisenhower, Harry Truman, Richard M. Nixon, Pope Pius XII, the Rev. Dr. Norman Vincent Peale and all leaders of liberal thought.

Vote "YES" on Proposition 18, because it is opposed by Dave Beck, Jimmy Hoffa, Frank Brewster,

the Bakers' Union, the Operating Engineers Union, the Teamsters Union AND EVERY OTHER LABOR BOSS AND LABOR UNION EXPOSED BY THE McCLELLAN COMMITTEE.

Vote "YES" for Proposition 18.

ARTHUR E. SIMPSON

Member, Local 770, Retail Clerks Union

AUGUST E. SOMMERFIELD

Former Steward, Local 170, Sheetmetal Workers Union

California Co-ordinator, Committee for Democracy in Labor Unions

HOWARD B. WYATT

Member, Local 626, Teamsters Union

Executive Secretary, Committee for Democracy in Labor Unions

#### Argument Against Initiative Proposition No. 18

Proposition 18, the so-called "right to work" measure, would jeopardize the economy of California and turn business and labor against one another at a time of international tension and national economic fluctuation.

National and state public leaders are overwhelmingly against so-called "right to work" laws.

Among those having registered opposition are President Eisenhower, Adlai Stevenson, Vice President Nixon, Chief Justice Earl Warren, Governor Goodwin J. Knight, Congressman Clair Engle, Attorney General Edmund G. Brown, U. S. Senator Thomas Kuchel, Lieutenant Governor Harold Powers and the late Senator Robert A. Taft of Ohio.

Spokesmen for Protestant, Catholic and Jewish faiths have joined to condemn this misnamed proposition. Among the many asking for defeat of the measure here in California are such prominent church leaders as Reverend Andrew Juvinall, Chairman, Commission on the Church and Economic Life, Northern California-Nevada Council of Churches; Most Reverend Charles F. Buddy, Catholic Bishop of San Diego; and Dr. Max Nussbaum, past president, Western Association of Reform Rabbis.

They have opposed the so-called "right to work" law as immoral and destructive. They regard it as a damaging blow at social protections built up over the years, and as a dangerous step toward loss of individual freedom.

Twenty-three states have already repealed or rejected so-called "right to work" laws. And for good reasons.

According to U. S. Department of Commerce statistics, average per capita income in California is 60 percent greater than the average in "right to work" states, most of which are in the deep South.

If California income were based on the average income of the "right to work" states, our 14 1/2 million people would have \$13 billion a year less in buying power.

This would mean lower income and profits for merchants, manufacturers and professional persons whose economic existence rests on the buying power of the consumer public.

Our American government is based on the principle of majority rule. That is the American Way. The Taft-Hartley law says that a union shop can only exist where a majority of employees have chosen the union as a bargaining agent. That, too, is the American, democratic way.

This misleading "right to work" law would create controversy and chaos in industrial relations by destroying collective bargaining contracts covering close to two million workers. It would destroy a competent and stable labor force and lead to higher plant costs, low productivity, lower incomes, decreased profits, a depressed economy and a "deep South" standard of living.

It could destroy management-labor welfare and pension plans which now protect more than one million Californians and their families and which add so greatly to the economic welfare of every other Californian.

Back in 1944, the voters of California decisively defeated a so-called "right to work" measure. Now, once again, this dangerous legislation is before

them. Once again, public leaders of the state and nation are against so-called "right to work."

Eisenhower, Stevenson, Nixon, Kuchel, Brown, Knight, Warren and all the others know, as informed businessmen and economists know, that "right to work" will ultimately destroy the economic stability and strength of California.

These men know, as legislators, educators, jurists and religious leaders know, that "right to work" is an evil masquerade, hiding an attempt to destroy unionism by a few selfish people, whose real and self-seeking desire is to create a cheap labor market.

Don't turn back the economic clock. Don't destroy the maturity in collective bargaining which enlightened labor and management have developed in California. Don't vote for low incomes, hatred and dissension.

Vote NO on Proposition 18.

BENJAMIN H. SWIG, President  
Fairmont Hotel Company, San Francisco

CHARLES J. SMITH, Director  
District 38, United Steelworkers of America, Los Angeles

C. J. HAGGERTY, Secretary-Treasurer  
California State Federation of Labor

**FOR THE VETERANS BOND ACT OF 1958.**

This act provides for a bond issue of three hundred million dollars (\$300,000,000) to be used by the Department of Veterans Affairs in assisting California war veterans to acquire farms and homes.

**AGAINST THE VETERANS BOND ACT OF 1958.**

This act provides for a bond issue of three hundred million dollars (\$300,000,000) to be used by the Department of Veterans Affairs in assisting California war veterans to acquire farms and homes.

This proposed law, by act of the Legislature passed at the 1958 First Extraordinary Session, is submitted to the people in accordance with the provisions of Article XVI of the Constitution.

(This proposed law does not expressly amend any existing law; therefore, the provisions thereof are printed in **BLACK-FACED TYPE** to indicate that they are **NEW**.)

**PROPOSED LAW**

An act to add Article 5g to Chapter 6 of Division 4 of the Military and Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of state bonds, to create a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943 and acts amendatory and supplemental thereto; defining the powers and duties of said committee and of the Department of Veterans Affairs and other state officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1958.

The people of the State of California do enact as follows:

Section 1. Article 5g is added to Chapter 6 of Division 4 of the Military and Veterans Code, to read:

**Article 5g. Veterans Bond Act of 1958**

996.60. This article may be cited as the Veterans Bond Act of 1958.

996.61. For the purpose of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943 and of all acts amendatory thereof and supplemental thereto, the Veterans' Finance Committee of 1943, created by Section 991, shall be and it hereby is authorized and empowered to create a debt or debts, liability or liabilities, of the State of California, in the manner and to the extent hereinafter provided, but not otherwise, nor in excess thereof.

996.62. After adoption of any resolution by the Veterans' Finance Committee of 1943, provided for in Section 996.69 the State Treasurer shall arrange for the preparation of the requisite number of suitable bonds in accordance with the specifications contained in such resolution. The aggregate par value of all bonds issued under this article shall not exceed the sum of three hundred million dollars (\$300,000,000) and shall bear interest at a rate not exceeding 5 percent per annum payable as provided in such resolution. Both principal and interest shall be payable in lawful money of the United States, at the Office of the State Treasurer, or at the office of any duly authorized agent of the State Treasurer.

All bonds issued under this article shall bear the facsimile signature of the Governor and the facsimile countersignature of the Controller and shall be endorsed by the State Treasurer either by original signature or by a signature stamp, and the bonds shall be signed, countersigned, and endorsed by the officers who shall be in office on the date of adoption of the resolution of the Veterans' Finance Committee of 1943, and each of said bonds shall bear an impress of the Great Seal of the State of California. Interest coupons attached to each bond shall bear the facsimile signature of the State Treasurer who shall be in office on the date of adoption of the resolution of the Veterans' Finance Committee of 1943. The Veterans' Finance Committee of 1943 may require that said bonds be authenticated by the State Controller or by any Deputy State Controller, and in such event no bond authorized hereunder shall be valid unless so authenticated in the manner so required. The bonds or coupons so signed, countersigned, endorsed, and sealed, when sold, shall be and constitute a valid and binding general obligation upon the State of California, although the sale or delivery thereof be made at a date or dates upon which the officers having signed, countersigned, and endorsed said bonds or coupons, or any or either of said officers, shall have ceased to be the incumbents of the offices held by them at the date of adoption of the resolution of the Veterans' Finance Committee of 1943. Each bond issue under this article shall contain a clause or clauses referring to this article and to the resolution of the Veterans' Finance Committee of 1943 hereunder by virtue of which said bond is issued, and if subject to call or redemption prior to maturity, shall contain a recital to that effect.

996.63. The State Treasurer shall, on the respective dates of maturity or prior redemption of said bonds, or as soon thereafter as said bonds are surrendered to him, pay the same out of the proceeds of the Controller's warrants drawn in his favor as provided in Section 996.64 and perforate the bonds so paid with a suitable device in a manner to indicate such payment and the date thereof. The State Treasurer, or his duly authorized agent, shall also, on the respective dates of maturity, cancel all bonds and appurtenant coupons bearing said dates of maturity and remaining unsold, by perforation with a suitable device in a manner to indicate such cancellation and the date thereof; provided, however, new bonds may be prepared and executed in lieu of bonds canceled solely by reason of the fact that such bonds have not been sold prior to their fixed maturity dates, whenever the Veterans' Finance Committee of 1943 shall determine such new bonds shall be prepared and executed, subject to the condition the total indebtedness created hereunder shall not exceed the maximum limit herein specified. Not less than four years after the final maturity date of a particular issue of bonds, the State Treasurer, or his duly authorized agent, may destroy or cremate any bonds of such issue which have been previously paid or canceled as hereinbefore provided.

996.64. All bonds herein authorized, which shall have been duly sold and delivered as herein provided, shall constitute valid and legally binding general obligations of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest thereof. There is hereby appropriated from the General Fund in the State Treasury such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this article, as said principal and interest become due and payable.

There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the State, as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collections of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

On the several dates of maturity of said principal and interest in each fiscal year, there shall be returned into the General Fund in the State Treasury, all of the money in the Veterans' Farm and Home Building Fund of 1943, not in excess of the principal of and interest on the said bonds then due and payable, except as hereinafter provided for the prior redemption of said bonds, and, in the event such money so returned on said dates of maturity being less than the said principal and interest then due and payable, then the balance remaining unpaid shall be returned into the General Fund in the State Treasury out of said Veterans' Farm and Home Building Fund of 1943 as soon thereafter as it shall become available, together with interest thereon from such dates of

maturity until so returned at the same rate as borne by said bonds, compounded semiannually.

Both principal and interest of said bonds shall be paid when due upon warrants duly drawn against said appropriation from the General Fund by the Controller of the State in favor of the State Treasurer, or his duly authorized agent, and the money to be returned into the General Fund in the State Treasury pursuant to the provisions of this section shall likewise be paid as herein provided upon warrants duly drawn by the Controller. The Department of Veterans Affairs, by resolution approved by the Veterans' Finance Committee of 1943, shall direct the State Treasurer to call bonds (which are then subject to redemption) if such call is desirable and whenever funds are available to effect such redemption, the part of each issue so called to be not less than all of the bonds maturing in any one year. Notice of such redemption shall be given by the State Treasurer in the manner provided in the resolution authorizing the issuance of said bonds.

996.65. The bonds authorized to be issued under this article shall be sold by the State Treasurer to the highest bidder for cash, either at public auction or upon sealed bids as the Veterans' Finance Committee of 1943 may by resolution determine. The Treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered plus the interest which shall have accrued thereon between the date of purchaser's payment for said bonds and the last preceding interest maturity date; and the Treasurer may from time to time, by public announcement at the place and time fixed for the sale, continue such sale, as the whole of the bonds offered, or any part thereon offered, at such time and place as he may select. If said bonds are offered for sale upon sealed bids, then each bid shall be in writing and signed by the bidder and sealed, and shall be accompanied by the deposit of a certified check or cashier's check for five thousand dollars (\$5,000), drawn on a bank or trust company authorized to transact and transacting business in the State of California, payable to the Treasurer of the State of California, such deposit not to bear interest. The deposit of each unsuccessful bidder shall be returned to him immediately upon the nonacceptance of his bid, and the deposit of the successful bidder shall immediately upon the acceptance of his bid become and be the property of the State of California and be placed in the State Treasury to the credit of the Veterans' Farm and Home Building Fund of 1943, and shall be credited to the successful purchaser upon the purchase price of the bonds bid for in case such purchase price is paid in full by him within the time mutually agreed upon between the successful bidder and the Treasurer. If the purchase price is not so paid, the successful bidder shall have no right in and to said bonds or by reason of said bid, or to the recovery of said deposit accompanying said bid, or to any allowance or credit by reason of such deposit unless it shall appear that the bonds would have been validly issued if delivered to the purchaser.

the form and manner proposed. In case the purchase price is not so paid, the bonds so sold but not paid for shall be resold by the State Treasurer upon notice as provided in case of original sale.

Temporary or interim bonds, certificates, or receipts of any denomination whatever and with or without coupons attached thereto, to be signed by the State Treasurer, may be issued and delivered until the definitive bonds are executed and available for delivery. Signature of the State Treasurer may be by signature stamp.

996.66. Due notice of the time and place of sale of all bonds shall be given by said Treasurer by publication in one newspaper published in the City and County of San Francisco and also by publication in one newspaper published in the City of Sacramento and by publication in one newspaper published in the City of Los Angeles once a week during two weeks prior to such sale. In addition to the notice last above provided for, the State Treasurer may give such further notice as he may deem advisable, but the expense and cost of such additional notice shall not exceed the sum of five hundred dollars (\$500) for each sale so advertised. The proceeds of the sale of such bonds and such amount as may have been paid as accrued interest thereon shall be forthwith paid over by said Treasurer into the Veterans' Farm and Home Building Fund of 1943 and must be used exclusively in aiding veterans in the acquisition of, or payments for, farms and homes, in accordance with the provisions of this chapter; provided, that the proceeds from the sale of said bonds may be used to pay the debt created the issuance and sale thereof.

996.67. The Department of Veterans Affairs is authorized, with approval of the Department of Finance, to invest any surplus money in the Veterans' Farm and Home Building Fund of 1943 in bonds or obligations of the United States, or of the State of California, or of the several counties or municipalities or other political subdivisions of the State of California, and to sell such bonds, or obligations, or any of them, at the governing market rates, upon approval of the Department of Finance; or the Department of Veterans Affairs may, with the approval of the Director of Finance, invest money in such fund, in interest-bearing certificates of deposit of state banks having a paid-up capital of five hundred thousand dollars (\$500,000) or more; provided, the total amount of money so deposited with any one bank shall not exceed a sum equal to 50 percent of the paid-up capital of such bank; provided, however, nothing herein contained shall inhibit the depositing in banks in accordance with Chapter 4, Part 2, Division 4, Title 2 of the Government Code, of money of any of the funds subject to the control of the Department of Veterans Affairs or appropriated for its use.

Interest accruing upon the deposit of money of the Veterans' Farm and Home Building Fund of 1943 shall be paid into and credited to said fund.

996.68. Upon request of the Department of Veterans Affairs, supported by a statement of the needs and projects of said department with respect thereto, and approved by the Governor, the

Veterans' Finance Committee of 1943 shall determine whether or not it is necessary or desirable to issue any bonds authorized under this article in order to carry such plans and projects into execution, and, if so, the amount of bonds then to be issued and sold. Successive issues of bonds may be authorized and sold to carry out said plans and projects progressively, and it shall not be necessary that all the bonds herein authorized to be issued shall be sold at any one time.

996.69. Whenever the Veterans' Finance Committee of 1943 shall have determined that the sale of all or any part of the bonds authorized to be issued under this article is necessary or desirable to carry such plans into execution, in whole or in part, it shall adopt a resolution to this effect. The said resolution shall authorize and direct the State Treasurer to provide for the preparation of the requisite number of suitable bonds then authorized to be sold and shall specify as to such bonds then to be sold:

1. The maximum number of each denomination or denominations, aggregate par value, and the date of the bonds to be then sold. The date appearing on said bonds shall be deemed to be the date of issuance for all purposes of this article, irrespective of the actual date of delivery of such bonds and the payment of the purchase price thereof. Successive issues of bonds herein authorized shall be identified by the number of the issue, or the entire authorized issue may be divided into series or divisions appropriately identified by letter or number.

2. The date or dates of maturity, and the number and numerical sequence of the bonds maturing at each date of maturity, to be at annual intervals.

3. The provisions, if any, for the retirement of said bonds at any time or times prior to their maturity, the manner thereof, and the price or prices at which said bonds shall be redeemed.

4. The annual rate of interest which the bonds to be issued shall bear, to be in multiples of one-fourth of 1 percent, which rate, at the discretion of said committee, may be determined by the bidder at the time of sale of said bonds, not to exceed 5 percent payable as herein provided.

5. The provisions, if any, for the interexchange of bonds of different denominations; the issuance of new bonds of different denominations in lieu of, or in exchange for, bonds of a like aggregate principal amount but of different denominations, and the authentication of any bonds by the State Controller or by any deputy state controller.

6. The technical form and language of said bonds and of the interest coupons to be attached thereto.

In determining the date or dates of maturity of the said bonds and the amount of bonds maturing at each date of maturity, the Veterans' Finance Committee of 1943 shall be guided by the amounts and dates of maturity of the revenues estimated to accrue to the Veterans' Farm and Home Building Fund of 1943 from the transactions to be financed by each issue, and shall fix and determine said dates and amounts in such manner that, to-

gether with the dates and amounts of interest payments on the said bond issue, they shall coincide, as nearly as practicable, with the dates and amounts of such estimated revenues; provided, the bonds first to mature in each issue shall mature not later than five years and the bonds last to mature in each issue shall mature not later than 45 years from the date of issuance thereof.

The rate of interest to be borne by the bonds need not be uniform for all bonds of the same issue or series or division, and may be determined and fixed by the Veterans' Finance Committee of 1943 by resolution adopted at or after the sale of said bonds, but not exceeding in any case 5 percent per annum payable semiannually. The highest bid received on the sale of the bonds shall be determined by deducting the total amount of the premium bid (if any) from the total amount of interest which the State would be required to pay from the date of the bonds or the last preceding interest payment date, whichever is latest, to the respective maturity dates of the bonds then offered for sale at the coupon rate or rates specified in the bid, and the award shall be made on the basis of the lowest net interest cost to the State. The lowest net interest cost to the State shall be computed on a 360-day year basis. The interest coupon first payable may, if the Veterans' Finance Committee of 1943 shall so determine and specify, be payable at any time within one year after the date of issuance of said bonds.

996.70. All actual and necessary expenses of the Veterans' Finance Committee of 1943 and of the members thereof incurred in the performance of their duties arising out of the provisions of this article and expenses incurred by the State Treasurer in having said bonds prepared and in advertising their sale or their prior redemption shall be paid out of the Veterans' Farm and Home Building Fund of 1943, on Controller's warrant duly drawn for that purpose, and shall constitute expenses of the Department of Veterans Affairs.

Whenever the Veterans' Finance Committee of 1943 deems it advisable to obtain a legal opinion as to the validity of the bonds, prior to or after sale, from attorneys other than the Attorney General, the committee may authorize the State Treasurer or the Department of Veterans Affairs or both to obtain such a legal opinion. Payment for such legal services shall be made from the Veterans' Farm and Home Building Fund of 1943, on Controller's warrant duly drawn for that purpose, and shall constitute expenses of the Department of Veterans Affairs.

996.71. The Controller, the Treasurer and the Veterans' Finance Committee of 1943 shall keep full and particular account and record of all their proceedings under this article, and they shall transmit to the Governor an abstract of all such proceedings thereunder, with an annual report, to be by the Governor laid before the Legislature biennially; and all books and papers pertaining to the matter provided for in this article shall at all times be open to the inspection of any party interested, or the Governor, or the Attorney Gen-

eral, or a committee of either branch of the Legislature, or a joint committee of both, or any citizen of the State.

996.72. So long as any bonds authorized under this article may be outstanding, the Director of the Department of Veterans Affairs shall cause to be made at the close of each fiscal year, a survey of the financial condition of the Division of Farm and Home Purchases, together with a projection of the division's operations, such survey to be made by an independent public accountant of recognized standing. The results of such surveys and projections shall be set forth in written reports and said independent public accountant shall forward copies of said reports to the Director of the Department of Veterans Affairs, the members of the California Veterans Board, and to the members of the Veterans' Finance Committee of 1943. The Division of Farm and Home Purchases shall reimburse said independent public accountant for his services out of any funds which said division may have available on deposit with the Treasurer of the State of California.

Sec. 2. Section 1 of this act shall take effect upon the adoption by the people of the Veterans Bond Act of 1958, as set forth in Section 1 of this act. Sections 2 to 5 of this act contain provisions relating to and necessary for the submission of the Veterans Bond Act of 1958 to the people, and for returning, canvassing, and proclaiming the votes thereon, and shall take effect immediately.

Sec. 3. The Veterans Bond Act of 1958, as set forth in Section 1 of this act, shall be submitted to the people of the State of California for ratification at the next general election, to be held in the month of November, 1958, and all ballots at said election shall have printed thereon and in a square thereof, the words: "For the Veterans Bond Act of 1958," and the same square under said words the following in eight-point type: "This act provides for a bond issue of three hundred million dollars (\$300,000,000) to be used by the Department of Veterans Affairs in assisting California war veterans to acquire farms and homes." In the square immediately below the square containing such words, there shall be printed on said ballot the words, "Against the Veterans Bond Act of 1958," and in the same square immediately below said words, in eight-point type shall be printed "This act provides for a bond issue of three hundred million dollars (\$300,000,000) to be used by the Department of Veterans Affairs in assisting California war veterans to acquire farms and homes." Opposite the words "For the Veterans Bond Act of 1958," and "Against the Veterans Bond Act of 1958," there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words, "For the Veterans Bond Act of 1958," and those voting against the said act shall do so by placing a cross opposite the words "Against the Veterans Bond Act of 1958." Provided, that where the voting of said general election is done by means of voting machine.

used pursuant to law in such manner as to carry out the intent of this section, such use of such voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section. The Governor of this State shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

Sec. 4. The votes cast for or against the Veterans Bond Act of 1958 shall be counted, returned and canvassed and declared in the same manner

and subject to the same rules as votes cast for state officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the Governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

**2** **SCHOOL BONDS.** Senate Constitutional Amendment No. 1. Directs issue and sale of \$220,000,000 of state bonds to provide loans and grants to school districts for (a) school sites, construction and equipment, and (b) housing and equipment for education of physically handicapped or mentally retarded minors. Requires repayment of advances from Investment Fund. Authorizes legislation regulating allocations to school districts and providing for repayment of allocations by districts. Declares state policy regarding public school sites and buildings.

YES

NO

(This proposed amendment does not expressly amend any existing section of the Constitution, but adds a new section thereto; therefore, the provisions thereof are printed in **BLACK-FACED TYPE** to indicate that they are **NEW**.)

PROPOSED AMENDMENT TO ARTICLE XVI

Sec. 19. Bonds of the State of California shall be prepared, issued, and sold in the amount of two hundred twenty million dollars (\$220,000,000), in such denominations, to be numbered, to bear such rates, and to bear such rate of interest as shall be determined by the Legislature.

The proceeds of such bonds shall be used:

(a) Subject to such legislation as the Legislature may, from time to time, enact, to provide loans and grants to school districts of the State for use in purchasing and improving school sites, the purchasing of furniture and equipment for schools, and the planning and constructing, reconstructing, repairing, altering, and making additions to, school buildings.

(b) Subject to such legislation as the Legislature may, from time to time, enact, to provide loans and grants to school districts for assistance in providing necessary housing and equipment for the education of physically handicapped minors and mentally retarded minors as those terms are defined in Chapters 9 and 11 of Division 4 of the Education Code.

(c) To pay the expenses that may be incurred in preparing, advertising, issuing, and selling the bonds, and in administering and directing the expenditure of the moneys realized from the sale of such bonds.

(d) To repay, as provided by law, any money appropriated from the Investment Fund at the 1958 First Extraordinary Session for state school building aid.

The issuance, signing, countersigning, endorsing, and selling of the bonds herein provided for, and the interest coupons thereon, the place and method of payment of principal and interest thereon, the procedure for initiating, advertising and holding sales thereof, and the performance by the several state boards and state officers of their respective duties in connection therewith; and all other provisions, terms, and conditions relating to the bonds, shall be as provided by the Legislature. The Legislature may appropriate money to be expended in addition to or in lieu of the money received from the sale of the bonds sold under the authority of this section. The money so appropriated shall be expended pursuant to subdivision (a) of this section. If the Legislature appropriates money in lieu of the money received from the sale of the bonds, the total amount of bonds required to be sold pursuant to this section shall be reduced by the amount so appropriated.

The Legislature shall pass all laws, general or special, necessary or convenient to carry into effect the provisions of this section. Such laws may provide for the allocation of funds to school districts pursuant to this section by the State Allocations Board or a similar agency and in that event, notwithstanding any other provision of this Constitution, Members of the Legislature who are required to meet with such board shall have equal rights and duties with the nonlegislative members to vote and act upon matters pending before such board.

The Legislature shall require each district receiving an allocation of money from the sale of bonds pursuant to this section for the purposes prescribed in subdivision (a) of this section to repay such money to the State on such terms and in such amounts as may be within the ability of the district to repay.

The Legislature may require each district receiving an allocation of money from the sale of



bonds pursuant to this section for the purposes prescribed in subdivision (b) of this section to repay such money to the State on such terms and in such amounts as the Legislature deems proper.

The people of the State of California in adopting this section hereby declare that it is in the

interests of the State and of the people thereof for the State to aid school districts of the State in providing necessary school sites and buildings for the pupils of the Public School System, such system being a matter of general concern inasmuch as the education of the children of the State is obligation and function of the State.

<b>3</b>	<b>STATE CONSTRUCTION PROGRAM BONDS. Assembly Constitutional Amendment No. 7.</b> Authorizes issue and sale of \$200,000,000 of state bonds to carry out building program contemplated by State Construction Program Bond Act of 1958. Said Act authorizes use of the bond money, when appropriated by the Legislature, for buildings and building sites for state educational institutions, mental and correctional institutions, and other state facilities. Validates said 1958 State Construction Program Bond Act.	<b>YES</b>	
		<b>NO</b>	

(This proposed amendment does not expressly amend any existing section of the Constitution, but adds a new section thereto; therefore, the provisions thereof are printed in **BLACK-FACED TYPE** to indicate that they are **NEW**.)

PROPOSED AMENDMENT TO ARTICLE XVI

**Sec. 19.5.** The issuance and sale of bonds of the State of California in the sum of two hundred million dollars (\$200,000,000) and the use and disposition of the proceeds of the sale of said bonds, all as provided in the State Construction Program Bond Act of 1958 authorizing the issuance and sale of bonds for the purpose of providing a fund

to be used to carry out the state construction program contemplated by that act, is hereby authorized and directed, and the State Construction Program Bond Act of 1958 is hereby approved, adopted, legalized, validated and made fully and completely effective. Nothing in this Constitution shall invalidate or restrict the provisions of this section, nor shall this section prevent amendments to the State Construction Program Bond Act of 1958 which are germane to the subject thereof; provided, such amendments do not increase the sum of the bonds herein authorized to be issued and sold nor utilize the proceeds thereof for purposes not related to the construction program generally described therein.

<b>4</b>	<b>HARBOR DEVELOPMENT BONDS. Assembly Constitutional Amendment No. 11.</b> Authorizes issue and sale of \$60,000,000 of state bonds in accordance with Harbor Development Bond Law of 1958. Said Law permits up to \$50,000,000 of bonds to be issued for development of state harbor facilities at San Francisco and up to \$10,000,000 for financing of small craft harbor development program. Bonds will be general obligations of State, but payable primarily from receipts of state treasury funds designated as San Francisco Harbor Improvement Fund and Small Craft Harbor Improvement Fund, respectively. Validates said Harbor Development Bond Law of 1958.	<b>YES</b>	
		<b>NO</b>	

(This proposed amendment does not expressly amend any existing section of the Constitution, but adds a new section thereto; therefore, the provisions thereof are printed in **BLACK-FACED TYPE** to indicate that they are **NEW**.)

PROPOSED AMENDMENT TO ARTICLE XVI

**Sec. 8½.** The issuance and sale of bonds of the State of California in the sum of sixty million dollars (\$60,000,000) and the use and disposition of the proceeds of the sale of said bonds, all as provided in the Harbor Development Bond Law of 1958 authorizing the issuance and sale of bonds for the purpose of providing funds for the con-

struction, improvement, and development of harbors in this State, is hereby authorized and directed, and the Harbor Development Bond Law of 1958 is hereby approved, adopted, legalized, validated and made fully and completely effective. Nothing in this Constitution shall invalidate or restrict the provisions of this section, nor shall this section prevent amendments to the Harbor Development Bond Law of 1958 which are germane to the subject thereof; provided, such amendments do not increase the sum of the bonds herein authorized to be issued and sold nor utilize the proceeds thereof for purposes not related to the purposes generally described therein.

<b>5</b>	<b>COMPENSATION OF LEGISLATORS. Senate Constitutional Amendment No. 5.</b> Permits Legislature to fix legislators' salaries by statute, but not in excess of average salary of county supervisors in the five most populous counties.	<b>YES</b>	
		<b>NO</b>	

(This proposed amendment expressly repeals the first paragraph of a subdivision of an existing section, and amends an existing section, of the Constitution; therefore, **EXISTING PROVI-**

**SIONS** proposed to be **REPEALED** or **DELETED** are printed in **STRIKE-OUT TYPE**, and **NEW PROVISIONS** proposed to be **INSERTED** printed in **BLACK-FACED TYPE**.)

PROPOSED AMENDMENTS TO ARTICLE IV

First, that the first paragraph of subdivision (b) of Section 2 of Article IV be repealed.

(b) Each Member of the Legislature shall receive for his services the sum of five hundred dollars (\$500) for each month of the term for which he is elected.

Second, that Section 23 of Article IV be amended to read:

Sec. 23. The Legislature of the State of California is the highest legislative body within California. The members of the Legislature shall receive

for their services the sum of one hundred dollars each for each month of the term for which they are elected; to be paid monthly in the even numbered years and to be paid during the regular legislative session in the odd numbered years at such times as may be provided by law. Each Member of the Legislature shall receive for his services the salary fixed by statute, which shall not exceed the average of the salaries provided by law for the office of member of the board of supervisors of the five most populous counties, and mileage to be fixed by law, all paid out of the State Treasury, such mileage not to exceed five cents (\$.05) per mile.

**6** **STATE INDEBTEDNESS. Senate Constitutional Amendment No. 33.** Changes method of publication of proposed state bond issue laws. Deletes provision establishing Secretary of State's ballot pamphlet as the only required publication and requires that such proposals be published in at least one newspaper in each of at least 50 counties (including the five most populous counties) throughout the State for eight weeks before the election at which submitted for vote.

YES

NO

(This proposed amendment expressly amends an existing section of the Constitution; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKE-OUT TYPE**, and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED AMENDMENT TO ARTICLE XVI

Section 1. The Legislature shall not, in any manner create any debt or debts, liability or liabilities, which shall, singly or in the aggregate with any previous debts or liabilities, exceed the of three hundred thousand dollars (\$300,000), except in case of war to repel invasion or suppress insurrection, unless the same shall be authorized by law for some single object or work to be distinctly specified therein which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within 50 years of the time of the contracting thereof, and shall be irrevocable until the principal and interest thereon shall be paid and discharged, and such law may make provision for a sinking fund to pay the principal of such debt or liability to commence at a time after the incurring of such debt or liability of not more than a period of one-fourth of the time of maturity of such debt or liability; but

no such law shall take effect until, at a general election, it shall have been submitted to the people and shall have received a majority of all of the votes cast for and against it at such election; and all moneys raised by authority of such law shall be applied only to the specific object therein stated or to the payment of the debt thereby created. Full publicity as to matters to be voted upon by the people is afforded by the setting out of the complete text of the proposed laws, together with the arguments for and against them, in the ballot pamphlet mailed to each elector preceding the election at which they are submitted, and the only requirement for publication of such law shall be that it be set out at length in ballot pamphlets which the Secretary of State shall cause to be printed, and such law shall be published in at least one newspaper in each of at least 50 of the counties, (including at least the five largest counties as determined by the last federal census of population) and in each city and county throughout the State for eight weeks next preceding the election at which it is submitted to the people. The Legislature may, at any time after the approval of such law by the people, reduce the amount of the indebtedness authorized by the law to an amount not less than the amount contracted at the time of the reduction, or it may repeal the law if no debt shall have been contracted in pursuance thereof.

**7** **GOVERNMENT FUNCTIONS: WARTIME DISASTER. Assembly Constitutional Amendment No. 5.** Adds enabling provision to Constitution authorizing Legislature to adopt wartime disaster laws, providing for filling offices of legislators or governor in case of death or disabling injury of one-fifth of legislators or incumbent governor; for convening of general or extraordinary legislative sessions; for elections to fill vacant or temporarily-occupied offices, and for temporary location of state capital and county seats. Modifies existing constitutional provision regarding succession to governorship.

YES

NO

(This proposed amendment expressly amends an existing section of the Constitution, and adds a section thereto; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed

in **STRIKE-OUT TYPE**, and **NEW PROVISIONS** proposed to be **INSERTED** or **ADDED** are printed in **BLACK-FACED TYPE**.)

First—That Section 38 be added to Article IV thereof, to read:

**Sec. 38.** Nothing in this Constitution shall limit the power of the Legislature to provide by law at any time for:

(a) The filling of the offices of members of either house of the Legislature and Governor should the incumbent Governor or at least one-fifth of the incumbent members of either house of the Legislature as a result of a war or enemy-caused disaster occurring in the State of California be either killed, missing or so seriously injured as to be unable to perform their duties until said incumbent or incumbents are able to perform their duties or until successors are chosen.

(b) The convening of the Legislature into general or extraordinary session during or after a war or enemy-caused disaster occurring in this State, and to specify subjects that may be considered and acted upon at any such extraordinary session. At any such general session the Legislature may consider and act upon any subject within the scope of legislative regulation and control. Nothing in this Constitution limiting the length of general or budget sessions, or requiring a recess thereof, or restricting the introduction of bills shall apply to general sessions convened pursuant to this section.

(c) The calling and holding of elections to fill offices that are elective under this Constitution and which, as a result of a war or enemy-caused disaster occurring in this State, are either vacant or are being filled by persons not elected thereto.

(d) The selection and changing from time to time of a temporary seat of government of this State, and of temporary county seats, to be used, if made necessary by enemy attack.

Second—That Section 16 of Article V thereof be amended to read:

**Sec. 16.** In case of vacancy in the Office of Governor the Lieutenant Governor shall become Governor and the last duly elected President pro Tempore of the Senate shall become Lieutenant Governor, for the residue of the term; but, if there be no such President pro Tempore of the Senate, the last duly elected Speaker of the Assembly shall become Lieutenant Governor for the residue of the term. In case of vacancy in the Office of Governor and in the Office of Lieutenant Governor, the powers and duties of the Office of Governor shall devolve, for the residue of the term, upon the last duly elected President pro Tempore of the Senate, shall become Governor and those of the Office of Lieutenant Governor upon the last duly elected Speaker of the Assembly shall become Lieutenant Governor, for the residue of the term; or if there be no President pro Tempore of the Senate, then the powers and duties of the Office of Governor shall devolve for the residue of the term upon the last duly elected Speaker of the Assembly shall become Governor for the residue of the term; or if there be none, then upon the Secretary of State; or if there be none, then upon

the Attorney General; or if there be none, then upon the Treasurer; or if there be none, then upon the Controller; and such person upon acting as Governor shall receive the salary and perquisites of Governor; or if, as the result of a war or enemy-caused disaster, there be none, then such person designated as provided by law. If at the time this amendment takes effect a vacancy has occurred in the Office of Governor or in the Offices of Governor and Lieutenant Governor, within the term or terms thereof, the provisions of this section as amended by this amendment shall apply. In case of impeachment of the Governor or officer acting as Governor, his absence from the State, or his other temporary disability to discharge the powers and duties of office, then the powers and duties of the Office of Governor devolve upon the same officer as in the case of vacancy in the Office of Governor, but only until the disability shall cease.

In case of the death, disability or other failure to take office of the Governor-elect, whether occurring prior or subsequent to the returns of election, the Lieutenant Governor-elect shall act as Governor from the same time and in the same manner as provided for the Governor-elect and shall act as, in the case of death, be Governor for the full term or, in the case of disability or other failure to take office, shall act as Governor until the disability of the Governor-elect shall cease.

In case of the death, disability or other failure to take office of both the Governor-elect and the Lieutenant Governor-elect, the last duly elected President pro Tempore of the Senate, or in case of his death, disability, or other failure to take office, the last duly elected Speaker of the Assembly, or in case of his death, disability, or other failure to take office, the Secretary of State-elect, or in case of his death, disability, or other failure to take office, the Attorney General-elect, or in case of his death, disability, or other failure to take office, the Treasurer-elect, or in case of his death, disability, or other failure to take office, the Controller-elect shall act as Governor from the same time and in the same manner as provided for the Governor-elect. Such person shall act as, in the case of death, be Governor for the full term or in the case of disability or other failure to take office shall act as Governor until the disability of the Governor-elect shall cease.

In any case in which a vacancy shall occur in the Office of Governor, and provision is not made in or pursuant to this Constitution for filling such vacancy, the senior deputy Secretary of State shall convene the Legislature by proclamation to meet within eight days after the occurrence of the vacancy in joint convention of both houses at an extraordinary session for the purpose of choosing a person to act as Governor until the office may be filled at the next general election appointed for election to the Office of Governor.

At such a session the Legislature may provide for the necessary expenses of the session and other matters incidental thereto.

8	<b>PRESIDENTIAL VOTING.</b> Assembly Constitutional Amendment No. 2. Authorizes legislation permitting persons to vote for President and Vice-President after residing in California for 54 days but less than one year, if otherwise qualified as California electors.	YES	
		NO	

(This proposed amendment does not expressly amend any existing section of the Constitution, but adds a new section thereto; therefore, the provisions thereof are printed in **BLACK-FACED TYPE** to indicate that they are **NEW**.)

PROPOSED AMENDMENT TO ARTICLE II

Sec. 1½. The Legislature may extend to persons who have resided in this State for at least 54 days but less than one year the right to vote

for presidential electors, but for no other office; provided, that such persons were either qualified electors in another state prior to their removal to this State or would have been eligible to vote in such other state had they remained there until the presidential election in that state, and; provided further, that such persons would be qualified electors under Section 1 hereof except that they have not resided in this State for one year.

9	<b>GENERAL LEGISLATIVE SESSIONS.</b> Assembly Constitutional Amendment No. 36. Eliminates mandatory 30-day recess during general sessions of Legislature in odd-numbered years. Prevents committee hearing or passage of bills (other than Budget Bill) for 30 days after introduction at general sessions, but permits waiver by three-fourths vote. Excludes Saturdays and Sundays from 120-day limit on length of general sessions.	YES	
		NO	

(This proposed amendment expressly amends an existing section of the Constitution; therefore **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKE-OUT TYPE**; and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED AMENDMENTS TO ARTICLE IV

First, that subdivision (a) of Section 2 of Article IV be amended to read:

Sec. 2. (a) The sessions of the Legislature shall be annual, but the Governor may, at any time, convene the Legislature, by proclamation, in extraordinary session.

All regular sessions in odd-numbered years shall be known as general sessions and no general session shall exceed 120 calendar days, ~~exclusive of the recess required to be taken in pursuance of this section, in duration, not including Saturdays or Sundays.~~

All regular sessions in even-numbered years shall be known as budget sessions, at which the Legislature shall consider only the Budget Bill for the succeeding fiscal year, revenue acts necessary therefor, the approval or rejection of charters and charter amendments of cities, counties, and cities and counties, and acts necessary to provide for the expenses of the session.

All general sessions shall commence at 12 o'clock m., on the first Monday after the first day of January, and shall continue for a period not exceeding 30 calendar days thereafter; whereupon a recess of both houses must be taken for not less than 30 calendar days. On the reassembling of the Legislature, no bill shall be introduced in either house without the consent of three-fourths of the members thereof; nor shall more than two bills be introduced by any one member after such reassembling.

All budget sessions shall commence at 12 m. on the first Monday in March and no budget session shall exceed 30 calendar days in duration.

At the general session, no bill, other than the Budget Bill, shall be heard by any committee or acted upon by either house until 30 calendar days have elapsed following the date the bill was first introduced; provided, that this provision may be dispensed with by the consent of three-fourths of the members of the house.

Second, that subdivision (b) of Section 2 of Article IV be amended to read:

(b) Each Member of the Legislature shall receive for his services the sum of five hundred dollars (\$500) for each month of the term for which he is elected.

No Member of the Legislature shall be reimbursed for his expenses, except for expenses incurred (1) while attending a regular, special or extraordinary session of the Legislature (the expense allowances for which may equal but not exceed the expense allowances at the time authorized for other elected state officers), not exceeding 120 calendar days the duration of any general session or 30 calendar days of any budget session or the duration of a special or extraordinary session or (2) while serving after the Legislature has adjourned or during any recess of the two houses of the Legislature as a member of a joint committee of the two houses or of a committee of either house, when the committee is constituted and acting as an investigating committee to ascertain facts and make recommendations, not exceeding, during any calendar year, 40 days as a member of one or more committees of either house, or 60 days as a member of one or more joint committees, but not exceeding 60 days in the aggregate for all such committee work. The limitations in this subsection (b) are not applicable to mileage allowances.

**EMINENT DOMAIN: AIRPORTS AND SCHOOLS.** Assembly Constitutional Amendment No. 16. After commencement of condemnation action, permits court order for taking immediate possession of property to be used for airport purposes by public agency or for school purposes by school district, after 90 days' notice to the owner and after putting up money deposit as directed by the court to secure payment of just compensation to the owner.

10

YES

NO

(This proposed amendment expressly amends an existing section of the Constitution; therefore, **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED AMENDMENT TO ARTICLE I

Sec. 14. Private property shall not be taken or damaged for public use without just compensation having first been made to, or paid into court for, the owner, and no right of way or lands to be used for reservoir purposes shall be appropriated to the use of any corporation, except a municipal corporation or a county or the State or metropolitan water district, municipal utility district, municipal water district, drainage, irrigation, levee, reclamation or water conservation district, or similar public corporation until full compensation therefor be first made in money or ascertained and paid into court for the owner, irrespective of any benefits from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in a court of record, as shall be prescribed by law; provided, that in any proceeding in eminent domain brought by the State, or a county, or a municipal corporation, or metropolitan water district, municipal utility district, municipal water district, drainage, irrigation, levee, reclamation or water conservation district, or similar public corporation, the aforesaid State or municipality or county or public corporation or district aforesaid may take immediate possession and use of any right of way or lands to be used for reservoir purposes, required for a public use whether the fee thereof or an easement therefor be sought upon first commencing eminent domain proceedings according to law in a court of competent jurisdiction and thereupon giving such security in the way of money deposited as the court in which such proceedings are pending may direct, and in such amounts as the court may determine to be reasonably adequate to secure to the owner of the property sought to be taken immediate payment of just compensation for such taking and any damage incident thereto, including damages sustained by reason of an adjudication that there is no necessity for taking the property, as soon as the same can be ascertained according to law. The court may, upon motion of any party to said eminent domain proceedings, after such notice to the other parties as the court may prescribe, alter the amount of such security so required in such proceedings. The taking of private property for

a railroad run by steam or electric power for logging or lumbering purposes shall be deemed a taking for a public use, and any person, firm, company or corporation taking private property under the law of eminent domain for such purposes shall thereupon and thereby become a common carrier.

In any proceeding in eminent domain brought by the State, or a county, or a municipal corporation or any other public agency or corporation empowered to construct and maintain an airport, the State or county or municipal corporation or public agency or corporation may take immediate possession and use of any right of way or lands to be used for airport purposes, and in any proceeding in eminent domain brought by a school district, that school district may take immediate possession and use of any right of way or lands to be used for school purposes, required for a public use whether the fee thereof or an easement therefor be sought upon first commencing eminent domain proceedings according to law in a court of competent jurisdiction and thereupon giving such security in the way of money deposited as the court in which such proceedings are pending may direct, and in such amounts as the court may determine to be reasonably adequate to secure to the owner of the property sought to be taken immediate payment of just compensation for such taking and any damage incident thereto, including damages sustained by reason of an adjudication that there is no necessity for taking the property, as soon as the same can be ascertained according to law; provided, that such public agency shall, at least ninety (90) days prior to the time possession of such right of way or lands to be used for airport or school purposes is taken, personally serve on, or mail to, the owners of the property, if known, and the persons in possession of the property, if any, either a copy of the order of the court authorizing such possession or a notice thereof, in such manner as the court may direct or as the Legislature may prescribe. The court may, upon motion of any party to said eminent domain proceedings, after such notice to the other parties as the court may prescribe, alter the amount of such security so required in such proceedings. In connection with the taking of immediate possession, the Legislature may establish procedures permitting the withdrawal of a portion of the deposit by the party whose property or interest is being taken, pending the final determination of just compensation, and for the passage of title to the property upon such withdrawal.

<b>11</b>	<b>LOCAL STREET AND ROAD BONDS. Senate Constitutional Amendment No. 21.</b> Authorizes laws for issuance and sale of bonds for street and road purposes by counties, cities, and separation of grade districts and providing for repayment of bonds out of distributions of gasoline tax money. Validates Street and Road Bond Act of 1957.	YES	
		NO	

(This proposed amendment does not expressly amend any existing section of the Constitution, but adds a new section thereto; therefore, the provisions thereof are printed in **BLACK-FACED TYPE** to indicate that they are **NEW**.)

PROPOSED AMENDMENT TO ARTICLE XXVI

Sec. 5. The Legislature may provide for the issuance and sale of bonds by the counties, cities, cities and counties, or separation of grade districts, the proceeds of which shall be used for the street and road purposes specified in Section 1 of

this article, and may provide for the repayment of the principal, interest, and expenses incurred in connection with the issuance and sale of such bonds out of money collected from taxes specified in Section 1 of this article.

The Street and Road Bond Act of 1957 (Division 3.5 (commencing at Section 2220) of the Streets and Highways Code), enacted at the 1957 Regular Session of the Legislature, is hereby approved, adopted, legalized, ratified, validated, and made fully and completely effective.

<b>12</b>	<b>LEGISLATOR AS NOTARY. Assembly Constitutional Amendment No. 72.</b> Permits member of Legislature to become notary public.	YES	
		NO	

(This proposed amendment expressly amends an existing section of the Constitution; therefore, **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED AMENDMENT TO ARTICLE IV

Sec. 19. No Senator or Member of Assembly shall, during the term for which he shall have been

elected, hold or accept any office, trust, or employment under this State, **except the office of notary public**; provided, that this provision shall not apply to any office filled by election by the people.

<b>13</b>	<b>SUPERINTENDENT OF PUBLIC INSTRUCTION. Senate Constitutional Amendment No. 2.</b> Makes office of Superintendent of Public Instruction appointive, instead of elective, after 1962. Confers appointing power on State Board of Education, subject to confirmation by State Senate.	YES	
		NO	

(This proposed amendment expressly amends an existing section of the Constitution; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKE-OUT TYPE**, and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED AMENDMENT TO ARTICLE IX

Sec. 2. A Superintendent of Public Instruction shall, at each gubernatorial election after the adoption of this Constitution, be elected by the qualified

electors of the State. He shall receive a salary equal to that of the Secretary of State, and shall enter upon the duties of his office on the first Monday after the first day of January next succeeding his election. vacancy shall exist in the Office of Superintendent of Public Instruction upon the expiration of the term of office for which a person is elected at the gubernatorial election held in 1958. Thereafter the Superintendent of Public Instruction shall be appointed by the State Board of Education with the advice and consent of the Senate.

<b>14</b>	<b>COMPENSATION OF LOCAL OFFICERS. Senate Constitutional Amendment No. 29.</b> Eliminates prohibition against increasing compensation of county, township or municipal officers after their election or during their terms of office. Permits Legislature to classify counties by other factors, in addition to population, when setting salaries of supervisors, district attorneys and auditors.	YES	
		NO	

(This proposed amendment expressly amends an existing section of the Constitution; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKE-OUT TYPE**, and **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

PROPOSED AMENDMENT TO ARTICLE XI

Sec. 5. The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of boards of supervisors, sheriffs, county clerks, district attorneys, and such other county, township, and municipal

pal officers as public convenience may require, and shall prescribe their duties and fix their terms of office. It shall regulate the compensation of boards of supervisors, district attorneys and of auditors in the respective counties and for this purpose may, but need not, classify the counties by population or other factors. It may regulate the compensation of grand and trial jurors in all courts within the classes of counties herein permitted to be made. The boards of supervisors in the respective counties shall regulate the compensation of all officers in said counties other than boards of supervisors, district attorneys, auditors, and judges of municipal courts, and shall regulate the number, method of appointment, terms of office or employment, and compensation of all deputies, assistants, and employees of the counties.

The provisions of this section shall not be construed to abridge, modify or otherwise affect the provisions of Sections 7 $\frac{1}{2}$ , 7 $\frac{3}{4}$ a and 8 $\frac{1}{2}$  of this article, relating to county or city and county charters. That certain act entitled "An act to add a new section to the Political Code to be numbered 4056d, relating to powers and duties of boards of supervisors with respect to county and township officers, deputies, assistants and employees," as enacted by the Legislature at its Fiftieth Session,

is hereby validated and made fully and completely effective.

The compensation term of any county, township or municipal officer shall not be increased ~~at his election or during his term of office, nor the term of any such officer be extended beyond the period for which he was elected or appointed.~~

The Legislature by a two-thirds vote of the members of each House may suspend the provision hereof prohibiting the increase of compensation of any county, township or municipal officer after his election or during his term of office for any period during which the United States is engaged in war and for one year after the termination of hostilities therein as proclaimed by the President of the United States.

The provisions of this section shall not prevent the allowance of any new or additional deputy or assistant to the principal in any county office during his term, nor shall they prevent any increase in the compensation of any deputy or assistant to such principal at any time.

The provisions of this section shall not abridge, modify or otherwise limit the power of the Legislature by general and uniform laws to prescribe the qualifications of any county officer or of any deputy or assistant, or to prescribe the method of appointment of any person so qualified.

**BOXING MATCHES.** Repeal of Initiative. Repeals Penal Code Section 413 $\frac{1}{2}$ , which now prohibits boxing exhibitions on Sunday and Memorial Day.

**15**

YES

NO

(This proposed law expressly repeals an existing section of the Penal Code; therefore **EXISTING PROVISIONS** proposed to be **REPEALED** are printed in **STRIKE-OUT TYPE**.)

#### PROPOSED LAW

An act to repeal Section 413 $\frac{1}{2}$  of the Penal Code, as amended by initiative measure adopted November 3, 1914, and to repeal Section 18730 of the Business and Professions Code, relating to the holding, conducting, participating in, or being present as a spectator, of specified sporting exhibitions or motion picture exhibitions held on Memorial Day or on Sundays, the repeal of Section 413 $\frac{1}{2}$  of the Penal Code to take effect upon the approval thereof by the electors, and providing for the submission thereof to the electors pursuant to Section 1b of Article IV of the State Constitution.

The people of the State of California do enact as follows:

Section 1. Section 413 $\frac{1}{2}$  of the Penal Code, as amended by initiative measure adopted November 3, 1914, is repealed.

413 $\frac{1}{2}$ . Any person or persons holding, or conducting, or participating in, or present as a spectator, at any boxing exhibition held on Memorial

Day, May 30, or on Sundays, shall be guilty misdemeanor, and upon conviction thereof shall be punished by fine not exceeding five hundred dollars or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Sec. 2. Section 1 of this act shall become effective only when submitted to and approved by the electors, pursuant to Section 1b of Article IV of the Constitution of the State.

Sec. 3. Section 1 of this act shall be submitted to the electors for their approval or rejection at the next succeeding general election occurring at any time subsequent to 130 days after this section takes effect, or at any state-wide special election which may be called by the Governor, in his discretion, prior to such general election, in the same manner that a constitutional amendment proposed by the Legislature would be submitted, and all of the provisions of law relative to submission of such constitutional amendments to the electors and to matters incidental thereto shall apply to the submission of Section 1 of this act, except as otherwise provided in this section or as such provisions may be clearly inapplicable for the submission of an amendment to an initiative measure pursuant to Section 1b of Article IV of the State Constitution.

**TAXATION OF SCHOOL PROPERTY OF RELIGIOUS AND OTHER NONPROFIT ORGANIZATIONS.** Initiative Constitutional Amendment. Amends Section 1c of Article XIII of the State Constitution by providing that the property authorized by said section to be exempted from taxation shall not include any property used or owned, directly or indirectly, in whole or in part, for any religious or other school or school purposes of less than collegiate grade, unless such property shall be used, owned and held exclusively for the blind, mentally retarded or physically handicapped. Does not affect exemptions granted by other sections of the Constitution.

YES

NO

(This proposed amendment expressly amends an existing section of the Constitution; therefore, **NEW PROVISIONS** proposed to be **INSERTED** are printed in **BLACK-FACED TYPE**.)

**PROPOSED AMENDMENT TO ARTICLE XIII**

Sec. 1c. In addition to such exemptions as are now provided in this Constitution, the Legislature may exempt from taxation all or any portion of property used exclusively for religious, hospital or charitable purposes and owned by community chests, funds, foundations or corporations organized and operated for religious, hospital or charitable purposes, not conducted for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual. As used in this section, "property used exclusively for religious, hospital or charitable purposes" shall include a building and its equipment in the course of construction on or after the first Monday of March, 1954, together with the land on which it is located

as may be required for the use and occupation of the building, to be used exclusively for religious, hospital or charitable purposes. As used in this section, "property used exclusively for religious, hospital or charitable purposes" shall not include any property use, held or owned, directly or indirectly, in whole or in part, for any parochial, sectarian, denominational, or other school or school purposes of less than collegiate grade, unless used, held and owned exclusively for the blind, mentally retarded or physically handicapped. The exemption limitations provided for in this section shall not limit or alter any exemptions now expressly provided by other sections in this Constitution, including among others the public school, church, college, military service and orphan asylum exemptions. If any part, clause or phrase hereof is for any reason held to be invalid, it is intended that all the remainder shall continue to be fully effective.

**SALES, USE, AND INCOME TAX RATES.** Initiative. Reduces sales and use tax rate from 3 to 2 percent. Changes income tax rates (now ranging from 1 percent on incomes under \$5,000 to 6 percent on incomes over \$25,000) to new range of  $\frac{1}{2}$  percent on incomes under \$5,000 to 46 percent on incomes over \$50,000. Legislature may lower but not increase sales and use tax rates. Income tax rates may be changed only by vote of electors. Sales and use tax rate changes effective January 1, 1959. Income tax rate changes effective after December 31, 1957.

YES

NO

(This proposed law expressly amends existing sections and adds new provisions to the law; therefore, **EXISTING PROVISIONS** proposed to be **DELETED** are printed in **STRIKE-OUT TYPE** and **NEW PROVISIONS** proposed to be **INSERTED** or **ADDED** are printed in **BLACK-FACED TYPE**.)

**PROPOSED LAW**

An act providing for the amendment of Sections 6051, 6201, 17041 and 17048 of the Revenue and Taxation Code of the State of California relating to sales, use and personal income taxes; permitting the Legislature to lower the rates set by Sections 1 and 2 of the act relating to sales and use taxes; and providing for the application of Sections 3 and 4 of this act, relating to personal income taxes, to specified taxable years.

The people of the State of California do enact as follows:

**DECLARATION OF INTENT.** It is hereby declared to be the intent of this act to reduce burden of taxation on low- and middle-income taxpayers by a reduction in the state

sales and use taxes and the imposition of a lower rate of taxation on taxable personal incomes below \$6,000, and to provide a base for an offsetting increase in state revenues by increasing the rate of taxation of taxable personal incomes above \$7,000 on a progressive, ability-to-pay basis.

**SECTION 1.** Section 6051 of the Revenue and Taxation Code is hereby amended to read as follows:

6051. For the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers at the rate of  $2\frac{1}{2}$  percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in this State on or after August 1, 1933, and to and including June 30, 1935, and at the rate of 3 percent thereafter, and at the rate of  $2\frac{1}{2}$  percent on and after July 1, 1943, and to and including June 30, 1949, and at the rate of 3 percent thereafter, and at the rate of 2 percent on and after January 1, 1959.



**SECTION 2. Section 6201 of the Revenue and Taxation Code is hereby amended to read as follows:**

6201. An excise tax is hereby imposed on the storage, use, or other consumption in this State of tangible personal property purchased from any retailer on or after July 1, 1935, for storage, use, or other consumption in this State at the rate of 3 percent of the sales price of the property, and at the rate of 2½ percent on and after July 1, 1943, and to and including June 30, 1949, and at the rate of 3 percent thereafter, and at the rate of 2 percent on and after January 1, 1959.

**SECTION 3. Section 17041 of the Revenue and Taxation Code is hereby amended to read as follows:**

17041. (a) There shall be levied, collected, and paid for each taxable year upon the entire taxable income of every resident of this State and upon the entire taxable income of every nonresident which is derived from sources within this State, taxes in the following amounts and at the following rates upon the amount of taxable income:

Upon taxable incomes not in excess of five thousand dollars (\$5,000), ½ percent of such taxable incomes.

Fifty dollars (\$50) upon taxable incomes of five thousand dollars (\$5,000), and upon taxable incomes in excess of five thousand dollars (\$5,000) and not in excess of ten thousand dollars (\$10,000), 2 percent in addition of such excess.

One hundred fifty dollars (\$150) upon taxable incomes of ten thousand dollars (\$10,000), and upon taxable incomes in excess of ten thousand dollars (\$10,000) and not in excess of fifteen thousand dollars (\$15,000), 3 percent in addition of such excess.

Three hundred dollars (\$300) upon taxable incomes of fifteen thousand dollars (\$15,000), and upon taxable incomes in excess of fifteen thousand dollars (\$15,000) and not in excess of twenty thousand dollars (\$20,000), ½ percent in addition of such excess.

Five hundred dollars (\$500) upon taxable incomes of twenty thousand dollars (\$20,000), and upon taxable incomes in excess of twenty thousand dollars (\$20,000) and not in excess of twenty-five thousand dollars (\$25,000), 5 percent in addition of such excess.

Seven hundred fifty dollars (\$750) upon taxable incomes of twenty-five thousand dollars (\$25,000), and upon taxable incomes in excess of twenty-five thousand dollars (\$25,000), 6 percent in addition of such excess.

½ percent of such taxable incomes.

Twenty-five dollars (\$25) upon taxable incomes of five thousand dollars (\$5,000); and upon taxable incomes in excess of five thousand dollars (\$5,000) and not in excess of six thousand dollars (\$6,000), 1 percent in addition of such excess.

Thirty-five dollars (\$35) upon taxable incomes of six thousand dollars (\$6,000); and upon taxable incomes in excess of six thousand dollars (\$6,000) and not in excess of seven thousand dollars (\$7,000), 2 percent in addition of such excess.

Fifty-five dollars (\$55) upon taxable incomes of seven thousand dollars (\$7,000); and upon taxable incomes in excess of seven thousand dollars

(\$7,000) and not in excess of eight thousand dollars (\$8,000), 3 percent in addition of such excess.

Eighty-five dollars (\$85) upon taxable incomes of eight thousand dollars (\$8,000); and upon taxable incomes in excess of eight thousand dollars (\$8,000) and not in excess of nine thousand dollars (\$9,000), 4 percent in addition of such excess.

One hundred twenty-five dollars (\$125) upon taxable incomes of nine thousand dollars (\$9,000); and upon taxable incomes in excess of nine thousand dollars (\$9,000) and not in excess of ten thousand dollars (\$10,000), 5 percent in addition of such excess.

One hundred seventy-five dollars (\$175) upon taxable incomes of ten thousand dollars (\$10,000); and upon taxable incomes in excess of ten thousand dollars (\$10,000) and not in excess of eleven thousand dollars (\$11,000), 6 percent in addition of such excess.

Two hundred thirty-five dollars (\$235) upon taxable incomes of eleven thousand dollars (\$11,000); and upon taxable incomes in excess of eleven thousand dollars (\$11,000) and not in excess of twelve thousand dollars (\$12,000), 7 percent in addition of such excess.

Three hundred five dollars (\$305) upon taxable incomes of twelve thousand dollars (\$12,000); and upon taxable incomes in excess of twelve thousand dollars (\$12,000) and not in excess of thirteen thousand dollars (\$13,000), 8 percent in addition of such excess.

Three hundred eighty-five dollars (\$385) upon taxable incomes of thirteen thousand dollars (\$13,000); and upon taxable incomes in excess of thirteen thousand dollars (\$13,000) and not in excess of fourteen thousand dollars (\$14,000), 9 percent in addition of such excess.

Four hundred seventy-five dollars (\$475) upon taxable incomes of fourteen thousand dollars (\$14,000); and upon taxable incomes in excess of fourteen thousand dollars (\$14,000) and not in excess of fifteen thousand dollars (\$15,000), 10 percent in addition of such excess.

Five hundred seventy-five dollars (\$575) upon taxable incomes of fifteen thousand dollars (\$15,000); and upon taxable incomes in excess of fifteen thousand dollars (\$15,000) and not in excess of sixteen thousand dollars (\$16,000), 11 percent in addition of such excess.

Six hundred eighty-five dollars (\$685) upon taxable incomes of sixteen thousand dollars (\$16,000); and upon taxable incomes in excess of sixteen thousand dollars (\$16,000) and not in excess of seventeen thousand dollars (\$17,000), 12 percent in addition of such excess.

Eight hundred five dollars (\$805) upon taxable incomes of seventeen thousand dollars (\$17,000); and upon taxable incomes in excess of seventeen thousand dollars (\$17,000) and not in excess of eighteen thousand dollars (\$18,000), 13 percent in addition of such excess.

Nine hundred thirty-five dollars (\$935) upon taxable incomes of eighteen thousand dollars (\$18,000); and upon taxable incomes in excess of eighteen thousand dollars (\$18,000) and not in excess of nineteen thousand dollars (\$19,000), 14 percent in addition of such excess.

One thousand seventy-five dollars (\$1,075) upon taxable incomes of nineteen thousand dollars

(\$19,000); and upon taxable incomes in excess of nineteen thousand dollars (\$19,000) and not in excess of twenty thousand dollars (\$20,000), 15 percent in addition of such excess.

One thousand two hundred twenty-five dollars (\$1,225) upon taxable incomes of twenty thousand dollars (\$20,000); and upon taxable incomes in excess of twenty thousand dollars (\$20,000) and not in excess of twenty-one thousand dollars (\$21,000), 16 percent in addition of such excess.

One thousand three hundred eighty-five dollars (\$1,385) upon taxable incomes of twenty-one thousand dollars (\$21,000); and upon taxable incomes in excess of twenty-one thousand dollars (\$21,000) and not in excess of twenty-two thousand dollars (\$22,000), 17 percent in addition of such excess.

One thousand five hundred fifty-five dollars (\$1,555) upon taxable incomes of twenty-two thousand dollars (\$22,000); and upon taxable incomes in excess of twenty-two thousand dollars (\$22,000) and not in excess of twenty-three thousand dollars (\$23,000), 18 percent in addition of such excess.

One thousand seven hundred thirty-five dollars (\$1,735) upon taxable incomes of twenty-three thousand dollars (\$23,000); and upon taxable incomes in excess of twenty-three thousand dollars (\$23,000) and not in excess of twenty-four thousand dollars (\$24,000), 19 percent in addition of such excess.

One thousand nine hundred twenty-five dollars (\$1,925) upon taxable incomes of twenty-four thousand dollars (\$24,000); and upon taxable incomes in excess of twenty-four thousand dollars (\$24,000) and not in excess of twenty-five thousand dollars (\$25,000), 20 percent in addition of such excess.

Two thousand one hundred twenty-five dollars (\$2,125) upon taxable incomes of twenty-five thousand dollars (\$25,000); and upon taxable incomes in excess of twenty-five thousand dollars (\$25,000) and not in excess of twenty-six thousand dollars (\$26,000), 21 percent in addition of such excess.

Two thousand three hundred thirty-five dollars (\$2,335) upon taxable incomes of twenty-six thousand dollars (\$26,000); and upon taxable incomes in excess of twenty-six thousand dollars (\$26,000) and not in excess of twenty-seven thousand dollars (\$27,000), 22 percent in addition of such excess.

Two thousand five hundred fifty-five dollars (\$2,555) upon taxable incomes of twenty-seven thousand dollars (\$27,000); and upon taxable incomes in excess of twenty-seven thousand dollars (\$27,000) and not in excess of twenty-eight thousand dollars (\$28,000), 23 percent in addition of such excess.

Two thousand seven hundred eighty-five dollars (\$2,785) upon taxable incomes of twenty-eight thousand dollars (\$28,000); and upon taxable incomes in excess of twenty-eight thousand dollars (\$28,000) and not in excess of twenty-nine thousand dollars (\$29,000), 24 percent in addition of such excess.

Three thousand twenty-five dollars (\$3,025) upon taxable incomes of twenty-nine thousand dollars (\$29,000); and upon taxable incomes in

excess of twenty-nine thousand dollars (\$29,000) and not in excess of thirty thousand dollars (\$30,000), 25 percent in addition of such excess.

Three thousand two hundred seventy-five dollars (\$3,275) upon taxable incomes of thirty thousand dollars (\$30,000); and upon taxable incomes in excess of thirty thousand dollars (\$30,000) and not in excess of thirty-one thousand dollars (\$31,000), 26 percent in addition of such excess.

Three thousand five hundred thirty-five dollars (\$3,535) upon taxable incomes of thirty-one thousand dollars (\$31,000); and upon taxable incomes in excess of thirty-one thousand dollars (\$31,000) and not in excess of thirty-two thousand dollars (\$32,000), 27 percent in addition of such excess.

Three thousand eight hundred five dollars (\$3,805) upon taxable incomes of thirty-two thousand dollars (\$32,000); and upon taxable incomes in excess of thirty-two thousand dollars (\$32,000) and not in excess of thirty-three thousand dollars (\$33,000), 28 percent in addition of such excess.

Four thousand eighty-five dollars (\$4,085) upon taxable incomes of thirty-three thousand dollars (\$33,000); and upon taxable incomes in excess of thirty-three thousand dollars (\$33,000) and not in excess of thirty-four thousand dollars (\$34,000), 29 percent in addition of such excess.

Four thousand three hundred seventy-five dollars (\$4,375) upon taxable incomes of thirty-four thousand dollars (\$34,000); and upon taxable incomes in excess of thirty-four thousand dollars (\$34,000) and not in excess of thirty-five thousand dollars (\$35,000), 30 percent in addition of such excess.

Four thousand six hundred seventy-five dollars (\$4,675) upon taxable incomes of thirty-five thousand dollars (\$35,000); and upon taxable incomes in excess of thirty-five thousand dollars (\$35,000) and not in excess of thirty-six thousand dollars (\$36,000), 31 percent in addition of such excess.

Four thousand nine hundred eighty-five dollars (\$4,985) upon taxable incomes of thirty-six thousand dollars (\$36,000); and upon taxable incomes in excess of thirty-six thousand dollars (\$36,000) and not in excess of thirty-seven thousand dollars (\$37,000), 32 percent in addition of such excess.

Five thousand three hundred five dollars (\$5,305) upon taxable incomes of thirty-seven thousand dollars (\$37,000); and upon taxable incomes in excess of thirty-seven thousand dollars (\$37,000) and not in excess of thirty-eight thousand dollars (\$38,000), 33 percent in addition of such excess.

Five thousand six hundred thirty-five dollars (\$5,635) upon taxable incomes of thirty-eight thousand dollars (\$38,000); and upon taxable incomes in excess of thirty-eight thousand dollars (\$38,000) and not in excess of thirty-nine thousand dollars (\$39,000), 34 percent in addition of such excess.

Five thousand nine hundred seventy-five dollars (\$5,975) upon taxable incomes of thirty-nine thousand dollars (\$39,000); and upon taxable incomes in excess of thirty-nine thousand dollars (\$39,000) and not in excess of forty thousand dollars (\$40,000), 35 percent in addition of such excess.

Six thousand three hundred twenty-five dollars (\$6,325) upon taxable incomes of forty thousand

dollars (\$40,000); and upon taxable incomes in excess of forty thousand dollars (\$40,000) and not in excess of forty-one thousand dollars (\$41,000), 36 percent in addition of such excess.

Six thousand six hundred eighty-five dollars (\$6,685) upon taxable incomes of forty-one thousand dollars (\$41,000); and upon taxable incomes in excess of forty-one thousand dollars (\$41,000) and not in excess of forty-two thousand dollars (\$42,000), 37 percent in addition of such excess.

Seven thousand fifty-five dollars (\$7,055) upon taxable incomes of forty-two thousand dollars (\$42,000); and upon taxable incomes in excess of forty-two thousand dollars (\$42,000) and not in excess of forty-three thousand dollars (\$43,000), 38 percent in addition of such excess.

Seven thousand four hundred thirty-five dollars (\$7,435) upon taxable incomes of forty-three thousand dollars (\$43,000); and upon taxable incomes in excess of forty-three thousand dollars (\$43,000) and not in excess of forty-four thousand dollars (\$44,000), 39 percent in addition of such excess.

Seven thousand eight hundred twenty-five dollars (\$7,825) upon taxable incomes of forty-four thousand dollars (\$44,000); and upon taxable incomes in excess of forty-four thousand dollars (\$44,000) and not in excess of forty-five thousand dollars (\$45,000), 40 percent in addition of such excess.

Eight thousand two hundred twenty-five dollars (\$8,225) upon taxable incomes of forty-five thousand dollars (\$45,000); and upon taxable incomes in excess of forty-five thousand dollars (\$45,000) and not in excess of forty-six thousand dollars (\$46,000), 41 percent in addition of such excess.

Eight thousand six hundred thirty-five dollars (\$8,635) upon taxable incomes of forty-six thousand dollars (\$46,000); and upon taxable incomes in excess of forty-six thousand dollars (\$46,000) and not in excess of forty-seven thousand dollars (\$47,000), 42 percent in addition of such excess.

Nine thousand fifty-five dollars (\$9,055) upon taxable incomes of forty-seven thousand dollars (\$47,000); and upon taxable incomes in excess of forty-seven thousand dollars (\$47,000) and not in excess of forty-eight thousand dollars (\$48,000), 43 percent in addition of such excess.

Nine thousand four hundred eighty-five dollars (\$9,485) upon taxable incomes of forty-eight thousand dollars (\$48,000); and upon taxable incomes in excess of forty-eight thousand dollars (\$48,000) and not in excess of forty-nine thousand dollars (\$49,000), 44 percent in addition of such excess.

Nine thousand nine hundred twenty-five (\$9,925) upon taxable incomes of forty-nine thousand dollars (\$49,000); and upon taxable incomes in excess of forty-nine thousand dollars (\$49,000) and not in excess of fifty thousand dollars (\$50,000), 45 percent in addition of such excess.

Ten thousand three hundred seventy-five dollars (\$10,375) upon taxable incomes of fifty thousand dollars (\$50,000); and upon taxable incomes in excess of fifty thousand dollars (\$50,000), 46 percent in addition of such excess.

(b) The tax imposed by this part is not a surtax.

**SECTION 4.** Section 17048 of the Revenue and Taxation Code is hereby amended to read as follows:

17048. (a) In lieu of the tax imposed under Section 17041 of this part, there shall be levied, collected and paid for each taxable year upon the taxable income of each individual whose adjusted gross income for such year is less than five thousand dollars (\$5,000), or in the case of a married couple filing a joint return for such year whose adjusted gross income is less than ten thousand dollars (\$10,000), and who has elected to pay the tax imposed by this section for such year, the tax shown in the following table:

The tax shall be—

If the adjusted gross income is over—	But not over—	Single person (not head of household)		(1) Married person making separate return, or (2) Married couple making joint return (tax is on one- half the amount subject to tax)		Head of household
\$0	\$1,900	\$0		\$0		\$0
1,900	1,950	0		.60	.30	0
1,950	2,000	0		1.07	.54	0
2,000	2,050	0		1.54	.77	0
2,050	2,100	0		2.01	1.01	0
2,100	2,150	0		2.48	1.24	0
2,150	2,200	.45	.23	2.95	1.48	0
2,200	2,250	.92	.46	3.42	1.71	0
2,250	2,300	1.39	.70	3.89	1.95	0
2,300	2,350	1.86	.93	4.36	2.18	0
2,350	2,400	2.33	1.17	4.83	2.42	0
2,400	2,450	2.80	1.40	5.30	2.65	0
2,450	2,500	3.27	1.64	5.77	2.89	0
2,500	2,550	3.74	1.87	6.24	3.12	0

		The tax shall be—					
		(1) Married person making separate return, or (2) Married couple making joint return (tax is on one-half the amount subject to tax)				Head of household	
if the adjusted gross income is over—	But not over—	Single person (not head of household)					
2,550	2,600	4.21	2.11	6.71	3.36	0	
2,600	2,650	4.68	2.34	7.18	3.59	0	
2,650	2,700	5.15	2.58	7.65	3.83	0	
2,700	2,750	5.62	2.81	8.12	4.06	0	
2,750	2,800	6.09	3.05	8.59	4.30	0	
2,800	2,850	6.56	3.28	9.06	4.53	0	
2,850	2,900	7.03	3.52	9.53	4.77	0	
2,900	2,950	7.50	3.75	10.00	5.00	0	
2,950	3,000	7.97	3.99	10.47	5.24	0	
3,000	3,050	8.44	4.22	10.94	5.47	0	
3,050	3,100	8.91	4.46	11.41	5.71	0	
3,100	3,150	9.38	4.69	11.88	5.94	0	
3,150	3,200	9.85	4.93	12.35	6.18	0	
3,200	3,250	10.32	5.16	12.82	6.41	0	
3,250	3,300	10.79	5.40	13.29	6.65	0	
3,300	3,350	11.26	5.63	13.76	6.88	0	
3,350	3,400	11.73	5.87	14.23	7.12	0	
3,400	3,450	12.20	6.10	14.70	7.35	0	
3,450	3,500	12.67	6.34	15.17	7.59	0	
3,500	3,550	13.14	6.57	15.64	7.82	0	
3,550	3,600	13.61	6.81	16.11	8.06	0	
3,600	3,650	14.08	7.04	16.58	8.29	0	
3,650	3,700	14.55	7.28	17.05	8.53	0	
3,700	3,750	15.02	7.51	17.52	8.76	0	
3,750	3,800	15.49	7.75	17.99	9.00	.40	.25
3,800	3,850	15.96	7.98	18.46	9.23	.96	.48
3,850	3,900	16.43	8.22	18.93	9.47	1.43	.72
3,900	3,950	16.90	8.45	19.40	9.70	1.90	.95
3,950	4,000	17.37	8.69	19.87	9.94	2.37	1.19
4,000	4,050	17.84	8.92	20.34	10.17	2.84	1.42
4,050	4,100	18.31	9.16	20.81	10.41	3.31	1.66
4,100	4,150	18.78	9.39	21.28	10.64	3.78	1.89
4,150	4,200	19.25	9.63	21.75	10.88	4.25	2.13
4,200	4,250	19.72	9.86	22.22	11.11	4.72	2.36
4,250	4,300	20.19	10.10	22.69	11.35	5.19	2.60
4,300	4,350	20.66	10.33	23.16	11.58	5.66	2.83
4,350	4,400	21.13	10.57	23.63	11.82	6.13	3.07
4,400	4,450	21.60	10.80	24.10	12.05	6.60	3.30
4,450	4,500	22.07	11.04	24.57	12.29	7.07	3.54
4,500	4,550	22.54	11.27	25.04	12.52	7.54	3.77
4,550	4,600	23.01	11.51	25.51	12.76	8.01	4.01
4,600	4,650	23.48	11.74	25.98	12.99	8.48	4.24
4,650	4,700	23.95	11.98	26.45	13.23	8.95	4.48
4,700	4,750	24.42	12.21	26.92	13.46	9.42	4.71
4,750	4,800	24.89	12.45	27.39	13.70	9.89	4.95
4,800	4,850	25.36	12.68	27.86	13.93	10.36	5.18
4,850	4,900	25.83	12.92	28.33	14.17	10.83	5.42
4,900	4,950	26.30	13.15	28.80	14.40	11.30	5.65
4,950	4,999.99	26.77	13.39	29.27	14.64	11.77	5.89

In applying the above schedule to determine the tax of a taxpayer with one or more dependents, there shall be subtracted from his adjusted gross income four hundred dollars (\$400) for each such dependent.

(b) For the purpose of this section—

(1) "Married person" means a married person on the last day of the taxable year, unless his spouse dies during the taxable year, in which case such determination shall be made as of the date of the spouse's death.

(2) "Dependent" means a person who is a dependent under Section 17182.

(3) An individual not a head of a household or a married person shall be treated as a single person.

**SECTION 5.** The tax rates established by Sections 1 and 2 of this act may be lowered by the Legislature, but the Legislature shall not

have authority to increase them above the rates set by said Sections. The power to amend or repeal Sections 3 and 4 of this act is reserved to the people by the vote of the electors.

**SECTION 6.** If any section, subsection, sentence or clause of this act is adjudged to be unconstitutional or invalid, such adjudication shall not affect the validity of the remaining portion of this act. It is hereby declared that this act would have been passed, and each section, subsection, sentence or clause thereof, irrespective of the fact that any one or more sections, subsections, sentences or clauses might be adjudged to be unconstitutional, or for any other reason invalid.

**SECTION 7.** The amendments made by Sections 3 and 4 of this act shall be applied only in the computation of taxes for taxable years beginning after December 31, 1957.

**EMPLOYER-EMPLOYEE RELATIONS. INITIATIVE CONSTITUTIONAL AMENDMENT.**

Adds Section 1-A to Article I, State Constitution. Prohibits employers and employee organizations from entering into collective bargaining or other agreements which establish membership in a labor organization, or payment of dues or charges of any kind thereto, as a condition of employment or continued employment. Declares unlawful certain practices relating to membership in labor organizations. Provides for injunction and damage suits against any person or group for violation or attempted violation. Preserves existing lawful contracts but applies to renewals or extensions thereof. Declares that section is self-executing. Defines "labor organization."

YES

NO

18

(This proposed amendment does not expressly amend any existing section of the Constitution, but adds a new section thereto; therefore, the provisions thereof are printed in **BLACK-FACED TYPE** to indicate that they are **NEW**.)

**PROPOSED AMENDMENT TO ARTICLE I**

**Section 1-A.**

(1) All men should be free to elect voluntarily whether to join or not to join a labor organization. The principle of voluntary unionism provides a safeguard against the abuses which result from monopoly control of employment.

(2) It is hereby declared to be the public policy of California that the right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor organization.

(3) Any agreement or combination between any employer and any labor organization whereby persons not members of such labor organization shall be denied the right to work for the employer, or whereby such membership is made a condition of employment or continuation of employment by such employer, is hereby declared to be against public policy.

(4) No person shall be required by an employer to become or remain a member of any labor organization as a condition of employment or continuation of employment by such employer.

(5) No person shall be required by an employer to abstain or refrain from membership in any

labor organization as a condition of employment or continuation of employment.

(6) No employer shall require any person, as a condition of employment or continuation of employment, to pay any dues, fees or other charges of any kind to any labor organization.

(7) No person, firm, association, corporation or labor organization shall cause or attempt to cause any employer to violate any of the provisions of this Section.

(8) Any person who may be denied employment or be deprived of continuation of his employment in violation of paragraphs (4), (5) or (6) or of one or more of such paragraphs shall be entitled to recover from such employer and from any other person, firm, corporation, association or labor organization acting in concert with such employer, by appropriate action in the courts of this State, such damages as he may have sustained by reason of such denial or deprivation of employment, together with reasonable attorney fees.

(9) Any employer, person, firm, association, corporation or labor organization injured as a result of any violation or threatened violation of any provision of this Section or threatened with any such violation shall be entitled to injunctive relief against any and all violators or persons threatening violation, and also to recover from such violator or violators, or person or persons, any and all damages of any character resulting from such violations or threatened violations. Such remedies shall be independent of and

dition to the remedies prescribed in other provisions of this Section.

(10) The provisions of this Section shall not apply to any lawful contract in force on the effective date hereof but they shall apply in all respects to contracts entered into thereafter and to any renewal or extension of any existing contract.

(11) Nothing in this Section shall be construed to deny the right of an employee to be represented in collective bargaining by a labor organization.

(12) The provisions of this Section shall be self-executing but legislation not in conflict herewith may be enacted to facilitate its operation.

(13) As used herein, "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(14) If any of the provisions hereof, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Section, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

## CERTIFICATE OF SECRETARY OF STATE

State of California, Department of State  
Sacramento, California

I, Frank M. Jordan, Secretary of State of the State of California, do hereby certify that the foregoing measures will be submitted to the electors of the State of California at the general election to be held throughout the State on the fourth day of November, 1958, and that the foregoing pamphlet is correct.

Witness my hand and the Great Seal of the State, at office in Sacramento, California, the first day of September, A.D. 1958.



*Frank M. Jordan*  
Secretary of State

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